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SUPREME COURT OF THE UNITED STATES.

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TEXT-BOOKS

OF THE

AMERICAN LYCEUM CIRCLE

THE

WORLD'S BEST ORATIONS

FROM THE

EARLIEST PERIOD TO THE PRESENT TIME

DAVID J. BREWER
EDITOR

EDWARD A. ALLEN WILLIAM SCHUYLER
ASSOCIATE EDITORS

TEN VOLUMES

VOL. 6

ST. LOUIS
FERD. P. KAISER
1901

THE UNIVERSITY OF TEXAS AT TYLER

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ROBERT EMMET

(1778–1803)

ROBERT EMMET'S death on the scaffold at the age of twenty-five made him one of the most romantic figures in the history of nineteenth-century revolt, and one of its greatest moral forces as well. The recollection of his tragic story and the rehearsal of his remarkable speech before Lord Norbury have had a far-reaching influence in animating the demand for Home Rule, which has been so insistently urged. It is as an orator, however, and by reason of this single speech, that Emmet has become the most memorable of the many martyrs of Ireland. As a revolutionist, he never made himself formidable, and it has been said that the rising he attempted to head in Dublin hardly reached the respectability of a riot.

Born in Dublin in 1778 from a family of high standing, he was sent to Trinity College, Dublin, which expelled him in 1798 before his graduation, because of his membership in the society of United Irishmen. After spending some time in Europe, he returned secretly to Dublin, and on July 23d, 1803, made an attempt to seize Dublin castle and the arsenal. His supporters, however, scattered in the first volley from the English troops, and Emmet was obliged to make the best of his way from the city into the Wicklow Mountains. There he might have remained in hiding and escaped finally to the Continent, had he not returned to Dublin to say farewell to his betrothed, the daughter of the famous orator, John Philpot Curran. The visit cost him his life, for he was arrested, tried for treason, and on September 20th, 1803, hanged in St. Thomas Street, Dublin. Moore, who was his schoolfellow, wrote the poem, 'Oh! Breathe Not His Name,' on his death, and the even more celebrated melody, 'She Is Far from the Land Where Her Young Hero Sleeps,' on Miss Curran, who was sent to Sicily in the hope that the change of scene might save her life. She did not long survive her lover.

Emmet's brother, Thomas Addis Emmet, who was also prominent in the United Ireland movement, escaped, and, after spending some time on the Continent, emigrated to New York, where he held the office of Attorney-General, showing marked ability as a speaker. Several of his addresses to juries in criminal cases are still sometimes read, but none of them shows the eloquence which immortalizes Robert Emmet's address before Lord Norbury.

Of the address before Lord Norbury, there are several versions, differing materially from each other. The generally received version is here followed as having become too firmly established as a classic of oratory to be superseded or questioned.

HIS PROTEST AGAINST SENTENCE AS A TRAITOR

(Delivered at His Trial Before Lord Norbury, Dublin, September 19th, 1803)

My Lords: —

I AM asked what have I to say why sentence of death should not be pronounced on me, according to law. I have nothing to say that can alter your predetermination, nor that it will become me to say, with any view to the mitigation of that sentence which you are to pronounce, and I must abide by. But I have that to say which interests me more than life, and which you have labored to destroy. I have much to say why my reputation should be rescued from the load of false accusation and calumny which has been cast upon it. I do not imagine that, seated where you are, your mind can be so free from prejudice as to receive the least impression from what I am going to utter. I have no hopes that I can anchor my character in the breast of a court constituted and trammeled as this is. I only wish, and that is the utmost that I expect, that your lordships may suffer it to float down your memories untainted by the foul breath of prejudice, until it finds some more hospitable harbor to shelter it from the storms by which it is buffeted. Were I only to suffer death, after being adjudged guilty by your tribunal, I should bow in silence, and meet the fate that awaits me without a murmur; but the sentence of the law which delivers my body to the executioner, will, through the ministry of the law, labor in its own vindication to consign my character to obloquy; for there must be guilt somewhere; whether in the sentence of the court, or in the catastrophe, time must determine. A man in my situation has not only to encounter the difficulties of fortune, and the force of power over minds which it has corrupted or subjugated, but the difficulties of established prejudice. The man dies, but his memory lives. That mine may not perish, that it may live in the respect of my countrymen, I seize upon this opportunity to vindicate myself from some of the charges alleged against me. When my spirit shall be wafted to a more friendly port — when

my shade shall have joined the bands of those martyred heroes who have shed their blood on the scaffold and in the field, in the defense of their country and of virtue, this is my hope: I wish that my memory and my name may animate those who survive me, while I look down with complacency on the destruction of that perfidious government which upholds its domination by blasphemy of the Most High; which displays its power over man, as over the beasts of the forest; which sets man upon his brother, and lifts his hand, in the name of God, against the throat of his fellow who believes or doubts a little more or a little less than the government standard — a government which is steeled to barbarity by the cries of the orphans and the tears of the widows it has made.

[Here Lord Norbury interrupted, saying that «the mean and wicked enthusiasts who felt as Emmet did, were not equal to the accomplishment of their wild designs.»]

I appeal to the immaculate God — I swear by the throne of Heaven, before which I must shortly appear — by the blood of the murdered patriots who have gone before me — that my conduct has been, through all this peril, and through all my purposes, governed only by the conviction which I have uttered, and by no other view than that of the emancipation of my country from the superinhuman oppression under which she has so long and too patiently travailed; and I confidently hope that, wild and chimerical as it may appear, there is still union and strength in Ireland to accomplish this noblest of enterprises. Of this I speak with the confidence of intimate knowledge, and with the consolation that appertains to that confidence. Think not, my lords, I say this for the petty gratification of giving you a transitory uneasiness. A man who never yet raised his voice to assert a lie will not hazard his character with posterity by asserting a falsehood on a subject so important to his country, and on an occasion like this. Yes, my lords, a man who does not wish to have his epitaph written until his country is liberated will not leave a weapon in the power of envy, or a pretense to impeach the probity which he means to preserve, even in the grave to which tyranny consigns him.

[Here he was again interrupted by the court.]

Again I say, that what I have spoken was not intended for your lordship, whose situation I commiserate rather than envy —

my expressions were for my countrymen. If there is a true Irishman present, let my last words cheer him in the hour of his affliction.

[Here he was again interrupted. Lord Norbury said he did not sit there to hear treason.]

I have always understood it to be the duty of a judge, when a prisoner has been convicted, to pronounce the sentence of the law. I have also understood that judges sometimes think it their duty to hear with patience and to speak with humanity; to exhort the victim of the laws, and to offer, with tender benignity, their opinions of the motives by which he was actuated in the crime of which he was adjudged guilty. That a judge has thought it his duty so to have done, I have no doubt; but where is the boasted freedom of your institutions — where is the vaunted impartiality, clemency, and mildness of your courts of justice, if an unfortunate prisoner, whom your policy, and not justice, is about to deliver into the hands of the executioner, is not suffered to explain his motives sincerely and truly, and to vindicate the principles by which he was actuated? My lords, it may be a part of the system of angry justice to bow a man's mind by humiliation to the purposed ignominy of the scaffold; but worse to me than the purposed shame or the scaffold's terrors would be the shame of such foul and unfounded imputations as have been laid against me in this court. You, my lord, are a judge; I am the supposed culprit. I am a man; you are a man also. By a revolution of power we might change places, though we never could change characters. If I stand at the bar of this court and dare not vindicate my character, what a farce is your justice! If I stand at this bar and dare not vindicate my character, how dare you calumniate it? Does the sentence of death, which your unhallowed policy inflicts on my body, condemn my tongue to silence and my reputation to reproach? Your executioner may abridge the period of my existence; but while I exist, I shall not forbear to vindicate my character and motives from your aspersions; and, as a man, to whom fame is dearer than life, I will make the last use of that life in doing justice to that reputation which is to live after me, and which is the only legacy I can leave to those I honor and love, and for whom I am proud to perish. As men, my lords, we must appear on the great day at one common tribunal; and it will then remain for the Searcher

of All Hearts to show a collective universe who was engaged in the most virtuous actions, or swayed by the purest motive — my country's oppressors, or —

[Here he was interrupted, and told to listen to the sentence of the law.]

My lords, will a dying man be denied the legal privilege of exculpating himself in the eyes of the community from an undeserved reproach, thrown upon him during his trial, by charging him with ambition, and attempting to cast away for a paltry consideration the liberties of his country? Why did your lordships insult me? Or rather, why insult justice, in demanding of me why sentence of death should not be pronounced against me? I know, my lords, that form prescribes that you should ask the question. The form also presents the right of answering. This, no doubt, may be dispensed with, and so might the whole ceremony of the trial, since sentence was already pronounced at the Castle before the jury were empaneled. Your lordships are but the priests of the oracle, and I insist on the whole of the forms.

I am charged with being an emissary of France. An emissary of France! and for what end? It is alleged that I wish to sell the independence of my country; and for what end? Was this the object of my ambition? And is this the mode by which a tribunal of justice reconciles contradiction? No; I am no emissary; and my ambition was to hold a place among the deliverers of my country, not in power nor in profit, but in the glory of the achievement. Sell my country's independence to France! and for what? Was it a change of masters? No, but for ambition. Oh, my country! was it personal ambition that could influence me? Had it been the soul of my actions, could I not, by my education and fortune, by the rank and consideration of my family, have placed myself amongst the proudest of your oppressors? My country was my idol! To it I sacrificed every selfish, every endearing sentiment; and for it I now offer up myself, O God! No, my lords; I acted as an Irishman, determined on delivering my country from the yoke of a foreign and unrelenting tyranny, and the more galling yoke of a domestic faction, which is its joint partner and perpetrator in the patricide, from the ignominy existing with an exterior of splendor and a conscious depravity. It was the wish of my heart to extricate my country from this doubly riveted despotism — I wished to place her independence beyond the reach of any power on earth. I wished to

exalt her to that proud station in the world. Connection with France was, indeed, intended, but only as far as mutual interest would sanction or require. Were the French to assume any authority inconsistent with the purest independence, it would be the signal for their destruction. We sought their aid — and we sought it as we had assurance we should obtain it — as auxiliaries in war, and allies in peace. Were the French to come as invaders or enemies, uninvited by the wishes of the people, I should oppose them to the utmost of my strength. Yes! my countrymen, I should advise you to meet them upon the beach with a sword in one hand, and a torch in the other. I would meet them with all the destructive fury of war. I would animate my countrymen to immolate them in their boats, before they had contaminated the soil of my country. If they succeeded in landing, and if forced to retire before superior discipline, I would dispute every inch of ground, burn every blade of grass, and the last entrenchment of liberty should be my grave. What I could not do myself, if I should fall, I should leave as a last charge to my countrymen to accomplish; because I should feel conscious that life, any more than death, is unprofitable when a foreign nation holds my country in subjection. But it was not as an enemy that the succors of France were to land. I looked, indeed, for the assistance of France; but I wished to prove to France and to the world that Irishmen deserved to be assisted; that they were indignant at slavery, and ready to assert the independence and liberty of their country. I wished to procure for my country the guarantee which Washington procured for America; to procure an aid which, by its example, would be as important as its valor; disciplined, gallant, pregnant with science and experience; that of a people who would perceive the good, and polish the rough points of our character. They would come to us as strangers, and leave us as friends, after sharing in our perils and elevating our destiny. These were my objects: not to receive new taskmasters, but to expel old tyrants. It was for these ends I sought aid from France; because France, even as an enemy, could not be more implacable than the enemy already in the bosom of my country.

[Here he was interrupted by the court.]

I have been charged with that importance in the emancipation of my country as to be considered the keystone of the com-

bination of Irishmen; or as your lordship expressed it, "the life and blood of the conspiracy." You do me honor overmuch: you have given to the subaltern all the credit of a superior. There are men engaged in this conspiracy who are not only superior to me, but even to your own conceptions of yourself, my lord—men before the splendor of whose genius and virtues I should bow with respectful deference, and who would think themselves disgraced by shaking your blood-stained hand.

What, my lord, shall you tell me, on the passage to the scaffold, which that tyranny (of which you are only the intermediary executioner) has erected for my murder, that I am accountable for all the blood that has been and will be shed in this struggle of the oppressed against the oppressor—shall you tell me this, and must I be so very a slave as not to repel it? I do not fear to approach the Omnipotent Judge to answer for the conduct of my whole life; and am I to be appalled and falsified by a mere remnant of mortality here? By you, too, although, if it were possible to collect all the innocent blood that you have shed in your unhallowed ministry in one great reservoir, your lordship might swim in it.

[Here the judge interrupted.]

Let no man dare, when I am dead, to charge me with dishonor; let no man attaint my memory, by believing that I could have engaged in any cause but that of my country's liberty and independence; or that I could have become the pliant minion of power, in the oppression and misery of my country. The proclamation of the provisional government speaks for our views; no inference can be tortured from it to countenance barbarity or debasement at home, or subjection, humiliation, or treachery from abroad. I would not have submitted to a foreign oppressor, for the same reason that I would resist the foreign and domestic oppressor. In the dignity of freedom, I would have fought upon the threshold of my country, and its enemy should enter only by passing over my lifeless corpse. And am I, who lived but for my country, and who have subjected myself to the dangers of the jealous and watchful oppressor, and the bondage of the grave, only to give my countrymen their rights, and my country her independence,—am I to be loaded with calumny, and not suffered to resent it? No; God forbid!

[Here Lord Norbury told Mr. Emmet that his sentiments and language disgraced his family and his education, but more particularly his father,

Doctor Emmet, who was a man, if alive, that would not countenance such opinions. To which Emmet replied :] —

If the spirits of the illustrious dead participate in the concerns and cares of those who were dear to them in this transitory life, Oh, ever dear and venerated shade of my departed father! look down with scrutiny upon the conduct of your suffering son, and see if I have, even for a moment, deviated from those principles of morality and patriotism which it was your care to instill into my youthful mind, and for which I am now about to offer up my life. My lords, you are impatient for the sacrifice. The blood which you seek is not congealed by the artificial terrors which surround your victim — it circulates warmly and unruffled through the channels which God created for noble purposes, but which you are now bent to destroy for purposes so grievous that they cry to heaven. Be yet patient! I have but a few more words to say — I am going to my cold and silent grave — my lamp of life is nearly extinguished — my race is run — the grave opens to receive me, and I sink into its bosom. I have but one request to ask at my departure from this world: it is — the charity of its silence. Let no man write my epitaph; for, as no man who knows my motives dares now vindicate them, let not prejudice or ignorance asperse them. Let them and me rest in obscurity and peace, and my tomb remain uninscribed, and my memory in oblivion, until other times and other men can do justice to my character. When my country takes her place among the nations of the earth, then, and not till then, let my epitaph be written. I have done.

THOMAS, LORD ERSKINE

(1750–1823)

WHEN Erskine appeared in his first case (that of King *versus* Baillie), he himself was probably the only man in England who thought his talents as a lawyer worth considering. When he left the court room, however, where he had spoken as the junior of five counsel, he was already near the head of the English bar, and it is said he received thirty retainers before he was out of the building. Compared to his more mature efforts, this speech would hardly be worth notice, did it not illustrate both the spirit and the method which made him the greatest forensic orator of his day. At a time when it was a highly dangerous offense to "scandalize the great," it was the rule to find humble scapegoats to bear the odium of the sins of power. Neither the King nor his ministers were to be mentioned except with the usual "Far be it from me"—But Erskine, reviewing the question presented by the pamphlet in which Captain Baillie had charged Lord Sandwich, first lord of the admiralty, with responsibility for abuses at Greenwich hospital, made an attack on Sandwich so bold that he at once compelled attention to himself as the central figure of the trial. From this beginning, Erskine was concerned in one after another of those great causes, through which the right of the people to sit in judgment on the acts of all who exercise their delegated power was asserted and at last vindicated. Under the Georges, prosecution for "seditious libel" took the place of what might have been arrests for treason under the Stuarts. In such cases as in that of Hardy and others for treason itself, Erskine was moved by the *liberrima indignatio* of the man who feels as his own every wrong with which power threatens weakness. This intensity gave him his power and his celebrity. In such cases as that of Lord George Gordon, where he is forcible to the last degree, he does not compel any other interest than that which attaches to the subject itself. This is true of some others of his orations in what were great political trials, but his peroration in the case of Stockdale is made sublime by the strength of his protest against the injustice of holding Warren Hastings as worse than the policy he was sent to India to enforce. His speech prosecuting the publisher of Thomas Paine's 'The Age of Reason,' which he himself considered his masterpiece, is, undoubtedly, very eloquent, and, from his stand-

point, not inconsistent with his defense of 'The Rights of Man.' The speech against 'The Age of Reason' was published and circulated in immense numbers by the Society for the Suppression of Vice,—"which gave me the greatest satisfaction," Erskine writes, "as I would rather that all my other speeches were committed to the flames, or in any manner buried in oblivion, than that this single speech should be lost."

Erskine had no such mastery of metaphor as Curran showed in comparing the smile of a man he detested to "the shine of a coffin plate," but few orators rise more strongly than he to a climax, and few other speeches in English are so well sustained as his.

He was born at Edinburgh, January 21st, 1750. His father, the Earl of Buchan, whose youngest son he was, was practically bankrupt, and could not give him a university education. After service first in the navy and then in the army, Erskine went to London, and in 1775 began to fit himself for the bar by entering as a student at Lincoln's Inn and a little later by entering himself as a gentleman commoner at Trinity College, Cambridge. He suffered considerable hardship during this period of his career, but it is said that in four years after his admission to the bar, he had paid all his debts and cleared nine thousand pounds. In 1783, he was elected to Parliament from Portsmouth, but his first speech was a failure, and he never succeeded as a parliamentary orator. His success at the bar was so brilliant that he was made Attorney-General to the Prince of Wales—an office from which he was removed for defending Thomas Paine. He was raised to the peerage as Baron Erskine, however, and under Lord Grenville, became Chancellor of England. His decisions in that capacity have been called "the Apocrypha" by those who deny that he was a great lawyer. While his legal attainments have not lacked eulogists, his strongest characteristic was not so much deep learning in the detail of law as deep sympathy with its underlying principles of justice and liberty. This made him a greater force for after times than Mansfield or Ellenborough. He died November 17th, 1823.

AGAINST PAINE'S 'THE AGE OF REASON'

(Delivered on the Prosecution of the Publisher of 'The Age of Reason' for Blasphemy—Ranked by Erskine Himself as His Best Speech)

Gentlemen of the Jury:—

THE charge of blasphemy, which is put upon the record against the publisher of this publication, is not an accusation of the servants of the Crown, but comes before you sanctioned by the oaths of a grand jury of the country. It stood for trial upon

a former day; but it happening, as it frequently does, without any imputation upon the gentlemen named in the panel, that a sufficient number did not appear to constitute a full special jury, I thought it my duty to withdraw the cause from trial, till I could have the opportunity of addressing myself to you, who were originally appointed to try it.

I pursued this course, from no jealousy of the common juries appointed by the laws for the ordinary service of the court,—since my whole life has been one continued experience of their virtues,—but because I thought it of great importance that those who were to decide upon a cause so very momentous to the public should have the highest possible qualifications for the decision; that they should not only be men capable from their educations of forming an enlightened judgment, but that their situations should be such as to bring them within the full view of their country, to which, in character and in estimation, they were in their own turns to be responsible.

Not having the honor, gentlemen, to be sworn for the King as one of his counsel, it has fallen much oftener to my lot to defend indictments for libels than to assist in the prosecution of them; but I feel no embarrassment from that recollection. I shall not be found to-day to express a sentiment, or to utter an expression, inconsistent with those invaluable principles for which I have uniformly contended in the defense of others. Nothing that I have ever said, either professionally or personally, for the liberty of the press, do I mean to-day to contradict or counteract. On the contrary, I desire to preface the very short discourse I have to make to you, with reminding you that it is your most solemn duty to take care that it suffers no injury in your hands. A free and unlicensed press, in the just and legal sense of the expression, has led to all the blessings, both of religion and government, which Great Britain or any part of the world at this moment enjoys, and it is calculated to advance mankind to still higher degrees of civilization and happiness. But this freedom, like every other, must be limited to be enjoyed, and, like every human advantage, may be defeated by its abuse.

Gentlemen, the defendant stands indicted for having published this book, which I have only read from the obligations of professional duty, and which I rose from the reading of with astonishment and disgust. Standing here with all the privileges belonging to the highest counsel for the Crown, I shall be entitled to reply

to any defense that shall be made for the publication. I shall wait with patience till I hear it.

Indeed, if I were to anticipate the defense which I hear and read of, it would be defaming by anticipation the learned counsel who is to make it; since, if I am to collect it, from a formal notice given to the prosecutors in the course of the proceedings, I have to expect that, instead of a defense conducted according to the rules and principles of English law, the foundation of all our laws, and the sanctions of all justice, are to be struck at and insulted. What gives the court its jurisdiction? What but the oath which his lordship, as well as yourselves, have sworn upon the Gospel to fulfill? Yet in the King's court, where his Majesty is himself also sworn to administer the justice of England — in the King's court — who receives his high authority under a solemn oath to maintain the Christian religion, as it is promulgated by God in the Holy Scriptures, I am nevertheless called upon as counsel for the prosecution to "produce a certain book described in the Indictment to be the Holy Bible." No man deserves to be upon the rolls who has dared, as an attorney, to put his name to such a notice. It is an insult to the authority and dignity of the court of which he is an officer, since it calls in question the very foundations of its jurisdiction. If this is to be the spirit and temper of the defense, — if, as I collect from that array of books which are spread upon the benches behind me, this publication is to be vindicated by an attack of all the truths which the Christian religion promulgates to mankind, let it be remembered that such an argument was neither suggested nor justified by anything said by me on the part of the prosecution.

In this stage of the proceedings, I shall call for reference to the Sacred Scriptures, not from their merits, unbounded as they are, but from their authority in a Christian country,—not from the obligations of conscience, but from the rules of law. For my own part, gentlemen, I have been ever deeply devoted to the truths of Christianity; and my firm belief in the Holy Gospel is by no means owing to the prejudices of education (though I was religiously educated by the best of parents), but has arisen from the fullest and most continued reflections of my riper years and understanding. It forms at this moment the great consolation of a life, which, as a shadow, passes away; and without it I should consider my long course of health and prosperity (too long, perhaps, and too uninterrupted, to be good for any man) only as the

dust which the wind scatters, and rather as a snare than as a blessing.

Much, however, as I wish to support the authority of Scripture from a reasoned consideration of it, I shall repress that subject for the present. But if the defense, as I have suspected, shall bring it at all into argument or question, I must then fulfill a duty which I owe, not only to the court, as counsel for the prosecution, but to the public and to the world — to state what I feel and know concerning the evidences of that religion, which is denied without being examined, and reviled without being understood.

I am well aware that, by the communications of a free press, all the errors of mankind, from age to age, have been dissipated and dispelled; and I recollect that the world, under the banners of reformed Christianity, has struggled through persecution to the noble eminence on which it stands at this moment, — shedding the blessings of humanity and science upon the nations of the earth.

It may be asked, then, by what means the Reformation would have been effected, if the books of the Reformers had been suppressed, and the errors of now exploded superstitions had been supported by the terrors of an unreformed state? or how, upon such principles, any reformation, civil or religious, can in future be effected? The solution is easy: Let us examine what are the genuine principles of the liberty of the press, as they regard writings upon general subjects, unconnected with the personal reputations of private men, which are wholly foreign to the present inquiry. They are full of simplicity, and are brought as near perfection by the law of England, as, perhaps, is attainable by any of the frail institutions of mankind.

Although every community must establish supreme authorities, founded upon fixed principles, and must give high powers to magistrates to administer laws for the preservation of government, and for the security of those who are to be protected by it, yet, as infallibility and perfection belong neither to human individuals nor to human establishments, it ought to be the policy of all free nations, as it is most peculiarly the principle of our own, to permit the most unbounded freedom of discussion, even to the detection of errors in the constitution of the very government itself; so as that common decorum is observed, which every State must exact from its subject, and which imposes no restraint

upon any intellectual composition, fairly, honestly, and decently addressed to the consciences and understandings of men. Upon this principle I have an unquestionable right — a right which the best subjects have exercised — to examine the principles and structure of the Constitution, and by fair, manly reasoning to question the practice of its administrators. I have a right to consider and to point out errors in the one or in the other; and not merely to reason upon their existence, but to consider the means of their reformation.

By such free, well-intentioned, modest, and dignified communication of sentiments and opinions, all nations have been gradually improved, and milder laws and purer religions have been established. The same principles, which vindicate civil controversies, honestly directed, extend their protection to the sharpest contentions on the subject of religious faiths. This rational and legal course of improvement was recognized and ratified by Lord Kenyon as the law of England, in a late trial at Guildhall, where he looked back with gratitude to the labors of the Reformers, as the fountains of our religious emancipation, and of the civil blessings that followed in their train. The English Constitution, indeed, does not stop short in the toleration of religious opinions, but liberally extends it to practice. It permits every man, even publicly, to worship God according to his own conscience, though in marked dissent from the national establishment, — so as he professes the general faith which is the sanction of all our moral duties, and the only pledge of our submission to the system which constitutes the state.

Is not this freedom of controversy and freedom of worship sufficient for all the purposes of human happiness and improvement? Can it be necessary for either, that the law should hold out indemnity to those who wholly abjure and revile the government of their country or the religion on which it rests for its foundation? I expect to hear, in answer to what I am now saying, much that will offend me. My learned friend, from the difficulties of his situation, which I know, from experience, how to feel for very sincerely, may be driven to advance propositions which it may be my duty, with much freedom, to reply to, — and the law will sanction that freedom. But will not the ends of justice be completely answered by my exercise of that right, in terms that are decent and calculated to expose its defects? Or will my argument suffer, or will public justice be impeded, be-

cause neither private honor and justice, nor public decorum, would endure my telling my very learned friend, because I differ from him in opinion, that he is a fool,—a liar,—and a scoundrel, in the face of the court? This is just the distinction between a book of free legal controversy and the book which I am arraigning before you. Every man has a right to investigate, with decency, controversial points of the Christian religion; but no man, consistently with a law which only exists under its sanctions, has a right to deny its very existence and to pour forth such shocking and insulting invectives as the lowest establishments in the gradations of civil authority ought not to be subjected to, and which soon would be borne down by insolence and disobedience, if they were.

The same principle pervades the whole system of the law, not merely in its abstract theory, but in its daily and most applauded practice. The intercourse between the sexes, which, properly regulated, not only continues, but humanizes and adorns our natures, is the foundation of all the thousand romances, plays, and novels, which are in the hands of everybody. Some of them lead to the confirmation of every virtuous principle; others, though with the same profession, address the imagination in a manner to lead the passions into dangerous excesses; but though the law does not nicely discriminate the various shades which distinguish these works from one another, so as to suffer many to pass, through its liberal spirit, that upon principle ought to be suppressed, would it, or does it tolerate, or does any decent man contend that it ought to pass by unpunished, libels of the most shameless obscenity, manifestly pointed to debauch innocence, and to blast and poison the morals of the rising generation? This is only another illustration to demonstrate the obvious distinction between the work of an author, who fairly exercises the powers of his mind, in investigating the religion or government of any country, and him who attacks the rational existence of every religion or government, and brands with absurdity and folly the state which sanctions, and the obedient tools who cherish the delusion. But this publication appears to me to be as cruel and mischievous in its effects as it is manifestly illegal in its principles; because it strikes at the best—sometimes, alas! the only refuge and consolation amidst the distresses and afflictions of the world. The poor and humble, whom it affects to pity, may be stabbed to the heart by it. They have more occasion for firm

hopes beyond the grave than the rich and prosperous, who have other comforts to render life delightful. I can conceive a distressed but virtuous man, surrounded by his children, looking up to him for bread when he has none to give them,— sinking under the last day's labor, and unequal to the next, yet, still supported by confidence in the hour when all tears shall be wiped from the eyes of affliction, bearing the burden laid upon him by a mysterious Providence which he adores, and anticipating with exultation the revealed promises of his Creator, when he shall be greater than the greatest, and happier than the happiest of mankind. What a change in such a mind might be wrought by such a merciless publication! Gentlemen, whether these remarks are the overcharged declamation of an accusing counsel, or the just reflections of a man anxious for the public happiness, which is best secured by the morals of a nation, will be soon settled by an appeal to the passages in the work that are selected by the Indictment for your consideration and judgment. You are at liberty to connect them with every context and sequel, and to bestow upon them the mildest interpretation.

[Here Mr. Erskine read several passages.]

Gentlemen, it would be useless and disgusting to enumerate the other passages within the scope of the Indictment. How any man can rationally vindicate the publication of such a book, in a country where the Christian religion is the very foundation of the law of the land, I am totally at a loss to conceive, and have no ideas for the discussion of. How is a tribunal, whose whole jurisdiction is founded upon the solemn belief and practice of what is here denied as falsehood, and reprobated as impiety, to deal with such an anomalous defense? Upon what principle is it even offered to the court, whose authority is contemned and mocked at? If the religion proposed to be called in question is not previously adopted in belief and solemnly acted upon, what authority has the court to pass any judgment at all of acquittal or condemnation? Why am I now, or upon any other occasion, to submit to his lordship's authority? Why am I now, or at any time, to address twelve of my equals, as I am now addressing you, with reverence and submission? Under what sanction are the witnesses to give their evidence, without which there can be no trial? Under what obligations can I call upon you, the jury representing your country, to administer justice? Surely upon

no other than that you are sworn to administer it under the oaths you have taken. The whole judicial fabric, from the King's sovereign authority to the lowest office of magistracy, has no other foundation. The whole is built, both in form and substance, upon the same oath of every one of its ministers to do justice, as God shall help them hereafter? What God? and what hereafter? That God, undoubtedly, who has commanded kings to rule and judges to decree justice; who has said to witnesses, not only by the voice of nature, but in revealed commandments: "Thou shalt not bear false testimony against thy neighbor"; — and who has enforced obedience to them by the revelation of the unutterable blessings which shall attend their observance, and the awful punishments which shall await upon their transgressions.

But it seems this is an Age of Reason, and the time and the person are at last arrived that are to dissipate the errors which have overspread the past generations of ignorance. The believers in Christianity are many, but it belongs to the few that are wise to correct their credulity. Belief is an act of reason, and superior reason may, therefore, dictate to the weak. In running the mind along the long list of sincere and devout Christians, I cannot help lamenting that Newton had not lived to this day, to have had his shallowness filled up with this new flood of light. But the subject is too awful for irony. I will speak plainly and directly. Newton was a Christian! — Newton, whose mind burst forth from the fetters fastened by nature upon our finite conceptions — Newton, whose science was truth, and the foundation of whose knowledge of it was philosophy — not those visionary and arrogant presumptions, which too often usurp its name, but philosophy resting upon the basis of mathematics, which, like figures, cannot lie — Newton, who carried the line and rule to the uttermost barriers of creation, and explored the principles by which all created matter exists and is held together. But this extraordinary man, in the mighty reach of his mind, overlooked, perhaps, the errors which a minuter investigation of the created things on this earth might have taught him. What shall then be said of the great Mr. Boyle, who looked into the organic structure of all matter, even to the inanimate substances which the foot treads upon? Such a man may be supposed to have been equally qualified with Mr. Paine to look up through nature to nature's God. Yet the result of all his contemplations was

the most confirmed and devout belief in all which the other holds in contempt as despicable and driveling superstition. But this error might, perhaps, arise from a want of due attention to the foundations of human judgment, and the structure of that understanding which God has given us for the investigation of truth. Let that question be answered by Mr. Locke, who, to the highest pitch of devotion and adoration, was a Christian — Mr. Locke, whose office was to detect the errors of thinking, by going up to the very fountains of thought, and to direct into the proper tract of reasoning, the devious mind of man, by showing him its whole process, from the first perceptions of sense to the last conclusions of ratiocination: — putting a rein upon false opinion, by practical rules for the conduct of human judgment.

But these men, it may be said, were only deep thinkers, and lived in their closets, unaccustomed to the traffic of the world and to the laws which practically regulate mankind. "Gentlemen, in the place where we now sit to administer the justice of this great country, the never-to-be-forgotten Sir Matthew Hale presided, whose faith in Christianity is an exalted commentary upon its truth and reason, and whose life was a glorious example of its fruits; whose justice, drawn from the pure fountain of the Christian dispensation, will be, in all ages, a subject of the highest reverence and admiration. But it is said by the author, that the Christian fable is but the tale of the more ancient superstitions of the world, and may be easily detected by a proper understanding of the mythologies of the Heathens. Did Milton understand those mythologies? Was he less versed than Mr. Paine in the superstitions of the world? No; they were the subject of his immortal song; and though shut out from all recurrence to them, he poured them forth from the stores of a memory rich with all that man ever knew, and laid them in their order as the illustration of real and exalted faith, the unquestionable source of that fervid genius which has cast a kind of shade upon all the other works of man —

> "He pass'd the bounds of flaming space,
> Where angels tremble while they gaze —
> He saw, — till, blasted with excess of light,
> He clos'd his eyes in endless night."

But it was the light of the body only that was extinguished; "The celestial light shone inward, and enabled him to justify the

ways of God to man." The result of his thinking was nevertheless not quite the same as the author's before us. The mysterious incarnation of our blessed Savior (which this work blasphemes in words so wholly unfit for the mouth of a Christian, or for the ear of a court of justice, that I dare not, and will not, give them utterance) Milton made the grand conclusion of his 'Paradise Lost,' the rest from his finished labors, and the ultimate hope, expectation, and glory of the world.

> "A Virgin is his Mother, but his Sire,
> The power of the Most High;—he shall ascend
> The throne hereditary, and bound his reign
> With earth's wide bounds, his glory with the heavens."

The immmortal poet, having thus put into the mouth of the angel the prophecy of man's redemption, follows it with that solemn and beautiful admonition, addressed in the poem to our great first parent, but intended as an address to his posterity through all generations:—

> "This having learn'd, thou hast attain'd the sum
> Of wisdom; hope no higher, though all the stars
> Thou knew'st by name, and all th' ethereal pow'rs,
> All secrets of the deep, all Nature's works;
> Or works of God in heav'n, air, earth, or sea,
> And all the riches of this world enjoy'st,
> And all the rule, one empire; only add
> Deeds to thy knowledge answerable, add faith,
> Add virtue, patience, temperance, add love,
> By name to come call'd Charity, the soul
> Of all the rest: then wilt thou not be loth
> To leave this Paradise, but shalt possess
> A Paradise within thee, happier far."

Thus you find all that is great, or wise, or splendid, or illustrious, amongst created beings;—all the minds gifted beyond ordinary nature, if not inspired by its universal Author for the advancement and dignity of the world, though divided by distant ages, and by clashing opinions, yet joining, as it were, in one sublime chorus, to celebrate the truths of Christianity, and laying upon its holy altars the never-fading offerings of their immortal wisdom.

Against all this concurring testimony, we find suddenly, from the author of this book, that the Bible teaches nothing but "lies,

obscenity, cruelty, and injustice." Had he ever read our Savior's Sermon on the Mount, in which the great principles of our faith and duty are summed up? Let us all but read and practice it, and lies, obscenity, cruelty, and injustice, and all human wickedness, will be banished from the world!

Gentlemen, there is but one consideration more, which I cannot possibly omit, because, I confess, it affects me very deeply. The author of this book has written largely on public liberty and government; and this last performance, which I am now prosecuting, has, on that account, been more widely circulated, and principally among those who attached themselves from principle to his former works. This circumstance renders a public attack upon all revealed religion from such a writer infinitely more dangerous. The religious and moral sense of the people of Great Britain is the great anchor, which alone can hold the vessel of the state amidst the storms which agitate the world; and if the mass of the people were debauched from the principles of religion,— the true basis of that humanity, charity, and benevolence, which have been so long the national characteristic,— instead of mixing myself, as I sometimes have done, in political reformations, I would retire to the uttermost corners of the earth, to avoid their agitation, and would bear, not only the imperfections and abuses complained of in our own wise establishment, but even the worst government that ever existed in the world, rather than go to the work of reformation with a multitude set free from all the charities of Christianity, who had no other sense of God's existence than was to be collected from Mr. Paine's observation of nature, which the mass of mankind have no leisure to contemplate; — which promises no future rewards to animate the good in the glorious pursuit of human happiness, nor punishments to deter the wicked from destroying it even in its birth. The people of England are a religious people, and, with the blessing of God, so far as it is in my power, I will lend my aid to keep them so.

I have no objections to the most extended and free discussions upon doctrinal points of the Christian religion; and though the law of England does not permit it, I do not dread the reasonings of Deists against the existence of Christianity itself, because, as was said by its divine Author, if it be of God it will stand. An intellectual book, however erroneous, addressed to the intellectual world, upon so profound and complicated a sub-

ject, can never work the mischief which this Indictment is calculated to repress. Such works will only incite the minds of men enlightened by study, to a deeper investigation of a subject well worthy of their deepest and continued contemplation. The powers of the mind are given for human improvement in the progress of human existence. The changes produced by such reciprocations of lights and intelligences are certain in their progressions, and make their way imperceptibly, by the final and irresistible power of truth. If Christianity be founded in falsehood, let us become Deists in this manner, and I am contented. But this book has no such object, and no such capacity; it presents no arguments to the wise and enlightened. On the contrary, it treats the faith and opinions of the wisest with the most shocking contempt, and stirs up men, without the advantages of learning, or sober thinking, to a total disbelief of everything hitherto held sacred; and consequently to a rejection of all the laws and ordinances of the state, which stand only upon the assumption of their truth.

Gentlemen, I cannot conclude without expressing the deepest regret at all attacks upon the Christian religion by authors who profess to promote the civil liberties of the world. For under what other auspices than Christianity have the lost and subverted liberties of mankind in former ages been reasserted? By what zeal, but the warm zeal of devout Christians, have English liberties been redeemed and consecrated? Under what other sanctions, even in our own days, have liberty and happiness been spreading to the uttermost corners of the earth? What work of civilization, what commonwealth of greatness has this bald religion of nature ever established? We see, on the contrary, the nations that have no other light than that of nature to direct them, sunk in barbarism, or slaves to arbitrary governments; whilst, under the Christian dispensation, the great career of the world has been slowly, but clearly, advancing,—lighter at every step, from the encouraging prophecies of the Gospel, and leading, I trust, in the end, to universal and eternal happiness. Each generation of mankind can see but a few revolving links of this mighty and mysterious chain; but by doing our several duties in our allotted stations, we are sure that we are fulfilling the purposes of our existence. You, I trust, will fulfill yours this day.

«DOMINION FOUNDED ON VIOLENCE AND TERROR»

(Peroration of the Speech in Defense of John Stockdale, December 9th, 1789)

[«On the occasion of the impeachment of Warren Hastings, the Governor-General of Bengal, for high crimes and misdemeanors, the articles of impeachment were prepared by Mr. Edmund Burke, and, instead of being couched in the usual dry, formal language of law, were remarkable for the same fervor of language which characterized all the compositions of their author. Contrary to the principles of impartial justice, these articles were permitted to be published throughout the kingdom, while the impeachment itself was still pending, and undoubtedly created a strong prejudice against the accused; to counteract which, the Reverend Mr. Logan, a minister of Leith, composed a defense of Mr. Hastings, entitled 'A Review of the Principal Charges against Warren Hastings, Esq., late Governor-General of Bengal,' which was published, at his request, by Mr. Stockdale, a bookseller in Piccadilly, in the regular course of his business. This pamphlet, being very extensively circulated, and containing strong and, as it was asserted, libelous observations on the House of Commons,—imputing their proceedings to motives of personal animosity, and not a regard to public justice,—Mr. Fox, who was one of the managers of the impeachment, complained of it to the House, and, on his motion, a vote passed unanimously that an address be presented to the King, praying his Majesty to direct his Attorney-General to file an information against Mr. Stockdale, as the publisher of a libel upon the Commons' House of Parliament. An information was accordingly filed, and came on for trial in the Court of King's Bench, before Lord Kenyon and a special jury, on the ninth of December, 1789; when the Attorney-General [Sir A. Macdonald], having fairly opened the case, and proved the publication, Mr. Erskine addressed the jury as counsel for the defendant.»—From the 'Modern Orator.']

Gentlemen:—

I WISH that my strength would enable me to convince you of the author's singleness of intention, and of the merit and ability of his work, by reading the whole that remains of it. But my voice is already nearly exhausted; I am sorry my client should be a sufferer by my infirmity. One passage, however, is too striking and important to be passed over; the rest I must trust to your private examination. The author, having discussed all the charges, article by article, sums them all up with this striking appeal to his readers:—

«The authentic statement of facts which has been given, and the arguments which have been employed, are, I think, sufficient to vindicate the character and conduct of Mr. Hastings, even on the maxims of European policy. When he was appointed Governor-General of Bengal, he was invested with a discretionary power to promote

the interests of the India Company and of the British Empire in that quarter of the globe. The general instructions sent to him from his constituents were: 'That in all your deliberations and resolutions, you make the safety and prosperity of Bengal your principal object, and fix your attention on the security of the possessions and revenues of the company.' His superior genius sometimes acted in the spirit, rather than complied with the letter of the law, but he discharged the trust, and preserved the empire committed to his care, in the same way, and with greater splendor and success than any of his predecessors in office; his departure from India was marked with the lamentations of the natives, and the gratitude of his countrymen, and, on his return to England, he received the cordial congratulations of that numerous and respectable society, whose interests he had promoted, and whose dominions he had protected and extended."

Gentlemen of the jury, if this be a willfully false account of the instructions given to Mr. Hastings for his government, and of his conduct under them, the author and publisher of this defense deserve the severest punishment, for a mercenary imposition on the public. But if it be true that he was directed to make the safety and prosperity of Bengal the first object of his attention, and that, under his administration, it has been safe and prosperous; if it be true that the security and preservation of our possessions and revenues in Asia were marked out to him as the great leading principle of his government, and that those possessions and revenues, amidst unexampled dangers, have been secured and preserved; then a question may be unaccountably mixed with your consideration, much beyond the consequence of the present prosecution, involving, perhaps, the merit of the impeachment itself which gave it birth — a question which the Commons, as prosecutors of Mr. Hastings, should, in common prudence, have avoided; unless, regretting the unwieldy length of their proceedings against him, they wish to afford him the opportunity of this strange anomalous defense. For, although I am neither his counsel, nor desire to have anything to do with his guilt or innocence, yet, in the collateral defense of my client, I am driven to state matter which may be considered by many as hostile to the impeachment. For if our dependencies have been secured, and their interests promoted, I am driven in the defense of my client to remark that it is mad and preposterous to bring to the standard of justice and humanity the exercise of a dominion founded upon violence and terror. It may and must be true

that Mr. Hastings has repeatedly offended against the rights and privileges of Asiatic government, if he was the faithful deputy of a power which could not maintain itself for an hour without trampling upon both. He may and must have offended against the laws of God and nature if he was the faithful viceroy of an empire wrested in blood from the people to whom God and nature had given it; he may and must have preserved that unjust dominion over timorous and abject nations by a terrifying, overbearing, insulting superiority, if he was the faithful administrator of your Government, which, having no root in consent or affection — no foundation in similarity of interests — nor support from any one principle which cements men together in society, could only be upheld by alternate stratagem and force. The unhappy people of India, feeble and effeminate as they are from the softness of their climate, and subdued and broken as they have been by the knavery and strength of civilization, still occasionally start up in all the vigor and intelligence of insulted nature. To be governed at all, they must be governed with a rod of iron; and our empire in the Eastern World long since must have been lost to Great Britain, if civil skill and military prowess had not united their efforts to support an authority which Heaven never gave, by means which it never can sanction.

Gentlemen, I think I can observe that you are touched with this way of considering the subject, and I can account for it. I have not been considering it through the cold medium of books, but have been speaking of man and his nature, and of human dominion, from what I have seen of them myself amongst reluctant nations submitting to our authority. I know what they feel, and how such feelings can alone be repressed. I have heard them in my youth from a naked savage, in the indignant character of a prince surrounded by his subjects, addressing the governor of a British colony, holding a bundle of sticks in his hand, as the notes of his unlettered eloquence. "Who is it?" said the jealous ruler over the desert, encroached upon by the restless foot of English adventure; "who is it that causes this river to rise in the high mountains and to empty itself into the ocean? Who is it that causes to blow the loud winds of winter, and that calms them again in the summer? Who is it that rears up the shade of those lofty forests, and blasts them with the quick lightning at his pleasure? The same Being who gave to you a country on the other side of the waters, and gave ours to us; and

by this title we will defend it," said the warrior, throwing down his tomahawk upon the ground, and raising the war-sound of his nation. These are the feelings of subjugated man all round the globe; and depend upon it, nothing but fear will control where it is vain to look for affection.

These reflections are the only antidotes to those anathemas of superhuman eloquence which have lately shaken these walls that surround us, but which it unaccountably falls to my province, whether I will or no, a little to stem the torrent of, by reminding you that you have a mighty sway in Asia, which cannot be maintained by the finer sympathies of life or the practice of its charities and affections; what will they do for you when surrounded by two hundred thousand men with artillery, cavalry, and elephants, calling upon you for their dominions which you have robbed them of? Justice may, no doubt, in such case, forbid the levying of a fine to pay a revolting soldiery; a treaty may stand in the way of increasing a tribute to keep up the very existence of the government; and delicacy for women may forbid all entrance into a zenana for money, whatever may be the necessity for taking it. All these things must ever be occurring. But under the pressure of such constant difficulties, so dangerous to national honor, it might be better, perhaps, to think of effectually securing it altogether, by recalling our troops and our merchants, and abandoning our Oriental empire. Until this be done, neither religion nor philosophy can be pressed very far into the aid of reformation and punishment. If England, from a lust of ambition and dominion, will insist on maintaining despotic rule over distant and hostile nations, beyond all comparison more numerous and extended than herself, and gives commission to her viceroys to govern them with no other instructions than to preserve them, and to secure permanently their revenues, with what color of consistency or reason can she place herself in the moral chair, and affect to be shocked at the execution of her own orders; adverting to the exact measure of wickedness and injustice necessary to their execution, and complaining only of the excess as the immorality, considering her authority as a dispensation for breaking the commands of God, and the breach of them as only punishable when contrary to the ordinances of man?

Such a proceeding, gentlemen, begets serious reflection. It would be better, perhaps, for the masters and the servants of all

such governments, to join in supplication that the great Author of violated humanity may not confound them together in one common judgment.

Gentlemen, I find, as I said before, I have not sufficient strength to go on with the remaining parts of the book. I hope, however, that, notwithstanding my omissions, you are now completely satisfied that whatever errors or misconceptions may have misled the writer of these pages, the justification of a person whom he believed to be innocent, and whose accusers had themselves appealed to the public, was the single object of his contemplation. If I have succeeded in that object, every purpose which I had in addressing you has been answered.

It now only remains to remind you that another consideration has been strongly pressed upon by you, and, no doubt, will be insisted on in reply. You will be told that the matters which I have been justifying as legal, and even meritorious, have therefore not been made the subject of complaint; and that whatever intrinsic merit parts of the book may be supposed or even admitted to possess, such merit can afford no justification to the selected passages, some of which, even with the context, carry the meaning charged by the information, and which are indecent animadversions on authority. To this I would answer (still protesting as I do against the application of any one of the innuendos) that if you are firmly persuaded of the singleness and purity of the author's intentions, you are not bound to subject him to infamy, because, in the zealous career of a just and animated composition, he happens to have tripped with his pen into an intemperate expression in one or two instances of a long work. If this severe duty were binding on your consciences, the liberty of the press would be an empty sound, and no man could venture to write on any subject, however pure his purpose, without an attorney at one elbow, and a counsel at the other.

From minds thus subdued by the terrors of punishment, there could issue no works of genius to expand the empire of human reason, nor any masterly compositions on the general nature of government, by the help of which the great commonwealths of mankind have founded their establishments; much less any of those useful applications of them to critical conjunctures, by which, from time to time, our own Constitution, by the exertion of patriot citizens, has been brought back to its standard. Under such terrors all the great lights of science and civilization must be extin-

guished, for men cannot communicate their free thoughts to one another with a lash held over their heads. It is the nature of everything that is great and useful, both in the animate and inanimate world, to be wild and irregular, and we must be contented to take them with the alloys which belong to them, or live without them. Genius breaks from the fetters of criticism, but its wanderings are sanctioned by its majesty and wisdom when it advances in its path; subject it to the critic, and you tame it into dullness. Mighty rivers break down their banks in the winter, sweeping away to death the flocks which are fattened on the soil that they fertilize in the summer; the few may be saved by embankments from drowning, but the flock must perish for hunger. Tempests occasionally shake our dwellings and dissipate our commerce; but they scourge before them the lazy elements, which, without them, would stagnate into pestilence. In like manner, liberty herself, the last and best gift of God to his creatures, must be taken just as she is; you might pare her down into bashful regularity, and shape her into a perfect model of severe, scrupulous law, but she would then be liberty no longer; and you must be content to die under the lash of this inexorable justice which you have exchanged for the banners of freedom.

If it be asked where the line to this indulgence and impunity is to be drawn, the answer is easy. The liberty of the press on general subjects comprehends and implies as much strict observance of positive law as is consistent with perfect purity of intention, and equal and useful society; and what that latitude is cannot be promulgated in the abstract, but must be judged of in the particular instance, and consequently, upon this occasion, must be judged of by you, without forming any possible precedent for any other case; and where can the judgment be possibly so safe as with the members of that society which alone can suffer, if the writing is calculated to do mischief to the public? You must, therefore, try the book by that criterion, and say whether the publication was premature and offensive, or, in other words, whether the publisher is bound to have suppressed it until the public ear was anticipated and abused, and every avenue to the human heart or understanding secured and blocked up. I see around me those by whom, by and by, Mr. Hastings will be most ably and eloquently defended; but I am sorry to remind my friends that but for the right of suspending the public judgment

concerning him till their season of exertion comes round, the tongues of angels would be insufficient for the task.

Gentlemen, I hope I have now performed my duty to my client; I sincerely hope that I have; for certainly, if ever there was a man pulled the other way by his interests and affections — if ever there was a man who should have trembled at the situation in which I have been placed on this occasion, it is myself, who not only love, honor, and respect, but whose future hopes and preferments are linked, from free choice, with those who, from the mistakes of the author, are treated with great severity and injustice. These are strong retardments; but I have been urged on to activity by considerations which can never be inconsistent with honorable attachments, either in the political or social world — the love of justice and of liberty, and a zeal for the constitution of my country, which is the inheritance of our posterity, of the public, and of the world. These are the motives which have animated me in defense of this person, who is an entire stranger to me, whose shop I never go to, and the author of whose publication, as well as Mr. Hastings, who is the object of it, I never spoke to in my life.

One word more, gentlemen, and I have done. Every human tribunal ought to take care to administer justice, as we look, hereafter, to have justice administered to ourselves. Upon the principle on which the Attorney-General prays sentence upon my client,— God have mercy upon us! — instead of standing before him in judgment with the hopes and consolations of Christians, we must call upon the mountains to cover us; for which of us can present, for Omniscient examination, a pure, unspotted, and faultless course? But I humbly expect that the benevolent Author of our being will judge us as I have been pointing out for your example. Holding up the great volume of our lives in his hands, and regarding the general scope of them, if he discover benevolence, charity, and good-will to man beating in the heart, where he alone can look; if he find that our conduct, though often forced out of the path by our infirmities, has been in general well directed, his all-searching eye will assuredly never pursue us into those little corners of our lives, much less will his justice select them for punishment, without the general context of our existence, by which faults may be sometimes found to have grown out of virtues, and very many of our heaviest offenses to

have been grafted by human imperfection upon the best and kindest of our affections. No, gentlemen, believe me, this is not the course of Divine justice, or there is no truth in the Gospels of Heaven. If the general tenor of a man's conduct be such as I have represented it, he may walk through the shadow of death, with all his faults about him, with as much cheerfulness as in the common paths of life, because he knows that, instead of a stern accuser to expose before the Author of his nature those frail passages which, like the scored matter in the book before you, chequer the volume of the brightest and best-spent life, his mercy will obscure them from the eye of his purity, and our repentance blot them out forever.

All this would, I admit, be perfectly foreign and irrelevant, if you were sitting here in a case of property between man and man, where a strict rule of law must operate, or there would be an end of civil life and society. It would be equally foreign and still more irrelevant, if applied to those shameful attacks upon private reputation which are the bane and disgrace of the press, by which whole families have been rendered unhappy during life, by aspersions cruel, scandalous, and unjust. Let such libelers remember that no one of my principles of defense can, at any time or upon any occasion, ever apply to shield them from punishment, because such conduct is not only an infringement of the rights of men, as they are defined by strict law, but is absolutely incompatible with honor, honesty, or mistaken good intention. On such men let the Attorney-General bring forth all the artillery of his office, and the thanks and blessings of the whole public will follow him. But this is a totally different case. Whatever private calumny may mark this work, it has not been made the subject of complaint, and we have, therefore, nothing to do with that, nor any right to consider it. We are trying whether the public could have been considered as offended and endangered, if Mr. Hastings himself, in whose place the author and publisher have a right to put themselves, had, under all the circumstances which have been considered, composed and published the volume under examination. That question cannot, in common sense, be anything resembling a question of law, but is a pure question of fact, to be decided on the principles which I have humbly recommended. I therefore ask of the court that the book itself may now be delivered to you. Read it with attention, and as you shall find it, pronounce your verdict.

HOMICIDAL INSANITY

(Exordium of the Speech in Defense of James Hadfield, an Insane Soldier, Who Fired a Pistol at the King—Delivered Before the Court of King's Bench, June 26th, 1800)

["Erskine's last and perhaps his greatest display of genius in defending a party prosecuted by the Crown. It is now, and ever will be, studied by medical men for its philosophic views of mental disease; by lawyers for its admirable distinctions as to the degree of alienation of mind which will exempt from final responsibility; by logicians for its severe and connected reasoning; and by all lovers of genuine eloquence for its touching appeals to human feeling."—Lord Campbell.]

Gentlemen of the Jury:—

THE scene which we are engaged in, and the duty which I am not merely privileged, but appointed by the authority of the court to perform, exhibits to the whole civilized world a perpetual monument of our national justice.

The transaction, indeed, in every part of it, as it stands recorded in the evidence already before us, places our country, and its government, and its inhabitants, upon the highest pinnacle of human elevation. It appears that, upon the fifteenth day of May last, his Majesty, after a reign of forty years, not merely in sovereign power, but spontaneously in the very hearts of his people, was openly shot at (or to all appearances shot at) in a public theatre (Drury Lane), in the centre of his capital, and amid the loyal plaudits of his subjects, yet not a hair of the supposed assassin was touched. In this unparalleled scene of calm forbearance, the King himself, though he stood first in personal interest and feeling, as well as in command, was a singular and fortunate example. The least appearance of emotion on the part of that august personage must unavoidably have produced a scene quite different and far less honorable than the court is now witnessing. But his Majesty remained unmoved, and the person apparently offending was only secured, without injury or reproach, for the business of this day.

Gentlemen, I agree with the Attorney-General (indeed, there can be no possible doubt) that if the same pistol had been maliciously fired by the prisoner, in the same theatre, at the meanest man within the walls, he would have been brought to immediate

trial, and, if guilty, to immediate execution. He would have heard the charge against him for the first time when the indictment was read upon his arraignment. He would have been a stranger to the names, and even to the existence, of those who were to sit in judgment upon him, and of those who were to be the witnesses against him. But upon the charge of even this murderous attack upon the King himself, he is covered all over with the armor of the law. He has been provided with counsel by the King's own judges, and not of their choice, but of his own. He has had a copy of the indictment ten days before his trial. He has had the names, descriptions, and abodes of all the jurors returned to the court, and the highest privilege of peremptory challenges derived from, and safely directed by that indulgence. He has had the same description of every witness who could be received to accuse him; and there must, at this hour, be twice the testimony against him which would be legally competent to establish his guilt on a similar prosecution by (in behalf of) the meanest and most helpless of mankind.

Gentlemen, when this melancholy catastrophe happened, and the prisoner was arraigned for trial, I remember to have said to some now present, that it was, at first view, difficult to bring those indulgent exceptions to the general rules of trial within the principle which dictated them to our humane ancestors in cases of treasons against the political government, or of rebellious conspiracy against the person of the King. In these cases, the passion and interests of great bodies of powerful men being engaged and agitated, a counterpoise became necessary to give composure and impartiality to criminal tribunals; but a mere murderous attack upon the King's person, not at all connected with his political character, seemed a case to be ranged and dealt with like a similar attack upon any private man.

But the wisdom of the law is greater than any man's wisdom; how much more, therefore, than mine! An attack upon the King is considered to be parricide against the State, and the jury and the witnesses, and even the judges, are the children. It is fit, on that account, that there should be a solemn pause before we rush to judgment; and what can be a more sublime spectacle of justice than to see a statutable disqualification of a whole nation for a limited period, a fifteen days' quarantine before trial, lest the mind should be subject to the contagion of partial affections!

From a prisoner so protected by the benevolence of our institutions, the utmost good faith would, on his part, be due to the public, if he had consciousness and reason to reflect upon the obligation. The duty, therefore, devolves on me; and, upon my honor, it shall be fulfilled. I will employ no artifices of speech. I claim only the strictest protection of the law for the unhappy man before you. I should, indeed, be ashamed if I were to say anything of the rule in the abstract by which he is to be judged, which I did not honestly feel. I am sorry, therefore, that the subject is so difficult to handle with brevity and precision. Indeed, if it could be brought to a clear and simple criterion, which could admit of a dry admission or contradiction, there might be very little difference, perhaps none at all, between the Attorney-General and myself, upon the principles which ought to govern your verdict. But this is not possible, and I am, therefore, under the necessity of submitting to you, and to the judges, for their direction (and at greater length than I wish), how I understand this difficult and momentous subject.

The law, as it regards this most unfortunate infirmity of the human mind, like the law in all its branches, aims at the utmost degree of precision; but there are some subjects, as I have just observed to you, and the present is one of them, upon which it is extremely difficult to be precise. The general principle is clear, but the application is most difficult.

It is agreed by all jurists, and is established by the law of this and every other country, that it is the reason of man which makes him accountable for his actions, and that the deprivation of reason acquits him of crime. This principle is indisputable; yet so fearfully and wonderfully are we made, so infinitely subtle is the spiritual part of our being, so difficult is it to trace with accuracy the effect of diseased intellect upon human action, that I may appeal to all who hear me, whether there are any causes more difficult, or which, indeed, so often confound the learning of the judges themselves, as when insanity, or the effects and consequences of insanity, become the subjects of legal considerations and judgment. I shall pursue the subject as the Attorney-General has properly discussed it. I shall consider insanity, as it annuls a man's dominion over property, as it dissolves his contracts, and other acts, which otherwise would be binding, and as it takes away his responsibility for crimes. If I could draw the line in a moment between these two views of the subject,

I am sure the judges will do me the justice to believe that I would fairly and candidly do so; but great difficulties press upon my mind, which oblige me to take a different course.

I agree with the Attorney-General, that the law, in neither civil nor criminal cases, will measure the degrees of men's understandings. A weak man, however much below the ordinary standard of human intellect, is not only responsible for crimes, but is bound by his contracts, and may exercise dominion over his property. Sir Joseph Jekyll, in the Duchess of Cleveland's case, took the clear, legal distinction, when he said: "The law will not measure the sizes of men's capacities, so as they be *compos mentis.*"

Lord Coke, in speaking of the expression, *non compos mentis*, says: "Many times (as here) the Latin word expresses the true sense, and calleth him not *amens*, *demens*, *furiosus*, *lunaticus*, *fatuus*, *stultus*, or the like, for *non compos mentis* is the most sure and legal." He then says: "*Non compos mentis* is of three sorts: first, *ideota* (an idiot), which from his nativity, by a perpetual infirmity, is *non compos mentis;* secondly, he that by sickness, grief, or other accident, wholly loses his memory and understanding; thirdly, a lunatic that hath sometimes his understanding, and sometimes not — *aliquando gaudet lucidis intervallis* (has sometimes lucid intervals); and, therefore, he is called *non compos mentis* so long as he hath not understanding."

But notwithstanding the precision with which this great author points out the different kinds of this unhappy malady, the nature of his work, in this part of it, did not open to any illustration which it can now be useful to consider. In his fourth Institute he is more particular; but the admirable work of Lord Chief-Justice Hale, in which he refers to Lord Coke's Pleas of the Crown, renders all other authorities unnecessary.

Lord Hale says: "There is a partial insanity of the mind, and a total insanity. The former is either in respect to things, *quoad hoc vel illud insanire* (to be insane as to this or that). Some persons that have a competent use of reason in respect of some subjects, are yet under a particular *dementia* (deprivation of reason) in respect of some particular discourses, subjects, or applications; or else it is partial in respect of degrees; and this is the condition of very many, especially melancholy persons, who for the most part discover their defect in excessive fears and griefs, and yet are not wholly destitute of the use of reason; and this

partial insanity seems not to excuse them in the committing of any offense for its matter capital. For, doubtless, most persons that are felons of themselves and others are under a degree of partial insanity when they commit these offenses. It is very difficult to define the invisible line that divides perfect and partial insanity, but it must rest upon circumstances duly to be weighed and considered both by judge and jury, lest on the one side there be a kind of inhumanity toward the defects of human nature, or, on the other side, too great an indulgence given to great crimes."

Nothing, gentlemen, can be more accurately nor more humanely expressed, but the application of the rule is often most difficult. I am bound, besides, to admit that there is a wide distinction between civil and criminal cases. If, in the former, a man appears, upon the evidence, to be *non compos mentis*, the law avoids his act, though it cannot be traced or connected with the morbid imagination which constitutes his disease, and which may be extremely partial in its influence upon conduct; but to deliver a man from responsibility for crimes, above all, for crimes of great atrocity and wickedness, I am by no means prepared to apply this rule, however well established, when property only is concerned.

In the very recent instance of Mr Greenwood (which must be fresh in his lordship's recollection), the rule in civil cases was considered to be settled. That gentleman, while insane, took up an idea that a most affectionate brother had administered poison to him. Indeed, it was the prominent feature of his insanity. In a few months he recovered his senses. He returned to his profession as an advocate; was sound and eminent in his practice, and in all respects a most intelligent and useful member of society; but he could never dislodge from his mind the morbid delusion which disturbed it; and under the pressure, no doubt, of that diseased prepossession, he disinherited his brother. The cause to avoid this will was tried here. We are not now upon the evidence, but upon the principle adopted as the law. The noble and learned judge, who presides upon this trial, and who presided upon that, told the jury that if they believed Mr. Greenwood insane, the will could not be supported, whether it had disinherited his brother or not; that the act, no doubt, strongly confirmed the existence of the false idea which, if believed by the jury to amount to madness, would equally have

affected his testament, if the brother, instead of being disinherited, had been in his grave; and that, on the other hand, if the unfounded notion did not amount to madness, its influence could not vacate the devise. This principle of law appears to be sound and reasonable, as it applies to civil cases, from the extreme difficulty of tracing with precision the secret motions of a mind, deprived by disease of its soundness and strength.

Whenever, therefore, a person may be considered *non compos mentis*, all his civil acts are void, whether they can be referred or not to the morbid impulses of his malady, or even though, to all visible appearances, totally separated from it. But I agree with Mr. Justice Tracey, that it is not every man of an idle, frantic appearance and behavior, who is to be considered as a lunatic, either as it regards obligations or crimes, but that he must appear to the jury to be *non compos mentis*, in the legal acceptation of the term, and that, not at any anterior period, which can have no bearing upon any case whatsoever, but at the moment when the contract was entered into, or the crime committed.

The Attorney-General, standing, undoubtedly, upon the most revered authorities of the law, has laid it down that to protect a man from criminal responsibility, there must be a total deprivation of memory and understanding. I admit that this is the very expression used both by Lord Coke and Lord Hale; but the true interpretation of it deserves the utmost attention and consideration of the court. If a total deprivation of memory were intended by these great lawyers to be taken in the literal sense of the words; if it were meant that to protect a man from punishment, he must be in such a state of prostrated intellect as not to know his name, nor his condition, nor his relation toward others; that if a husband, he should not know he was married; or, if a father, could not remember that he had children, not know the road to his house, nor his property in it,—then no such madness ever existed in the world. It is idiocy alone that places man in this helpless condition, where, from an original malorganization, there is the human frame alone without the human capacity, and which, indeed, meets the very definition of Lord Hale himself, when, referring to Fitzherbert, he says: "Idiocy, or fatuity *a nativitate, vel dementia naturalis*, is such a one

as described by Fitzherbert, who knows not to tell twenty shillings, nor knows his own age, or who was his father." But in all the cases which have filled Westminster Hall with the most complicated considerations, the lunatics, and other insane persons who have been the subjects of them, have not only had a memory, in my sense of the expression,—they have not only had the most perfect knowledge and recollections of all the relations they stood in toward others, and of the acts and circumstances of their lives, but have, in general, been remarkable for subtlety and acuteness. Defects in their reasonings have seldom been traceable, the disease consisting in the delusive sources of thought, —all their deductions within the scope of the malady being founded upon the immovable assumption of matters as realities, either without any foundation whatsoever, or so distorted and disfigured by fancy as to be almost nearly the same thing as their creation. It is true, indeed, that in some, perhaps in many cases, the human mind is stormed in its citadel, and laid prostrate under the stroke of frenzy; these unhappy sufferers, however, are not so much considered by physicians as maniacs, but to be in a state of delirium as if from fever. There, indeed, all the ideas are overwhelmed—for reason is not merely disturbed, but driven wholly from her seat. Such unhappy patients are unconscious, therefore, except at short intervals, even of external objects; or, at least, are wholly incapable of considering their relations. Such persons, and such persons alone (except idiots), are wholly deprived of their understandings, in the Attorney-General's seeming sense of that expression. But these cases are not only extremely rare, but never can become the subjects of judicial difficulty. There can be but one judgment concerning them. In other cases, reason is not driven from her seat, but distraction sits down upon it along with her, holds her, trembling, upon it, and frightens her from her propriety. Such patients are victims to delusions of the most alarming description, which so overpower the faculties and usurp so firmly the place of realities, as not to be dislodged and shaken by the organs of perception and sense; in such cases the images frequently vary, but in the same subject are generally of the same terrific character. Here, too, no judicial difficulties can present themselves, for who could balance upon the judgment to be pronounced in cases of such extreme diseases? Another class,

branching out into almost infinite subdivisions, under which, indeed, the former and every case of insanity may be classed, is, where the delusions are not of that frightful character, but infinitely various and often extremely circumscribed; yet, where imagination (within the bounds of the malady) still holds the most uncontrollable dominion over reality and fact. These are the cases which frequently mock the wisdom of the wisest in judicial trials, because such persons often reason with a subtlety which puts in the shade the ordinary conceptions of mankind. Their conclusions are just and frequently profound, but the premises from which they reason, when within the range of the malady, are uniformly false — not false from any defect of knowledge or judgment, but because a delusive image, the inseparable companion of real insanity, is thrust upon the subjugated understanding, incapable of resistance, because unconscious of attack.

Delusion, therefore, where there is no frenzy or raving madness, is the true character of insanity. Where it cannot be predicated of a man standing for life or death for a crime, he ought not, in my opinion, to be acquitted; and if courts of law were to be governed by any other principle, every departure from sober, rational conduct would be an emancipation from criminal justice. I shall place my claim to your verdict upon no such dangerous foundation. I must convince you, not only that the unhappy prisoner was a lunatic, within my own definition of lunacy, but that the act in question was the immediate, unqualified offspring of the disease. In civil cases, as I have already said, the law avoids every act of the lunatic during the period of lunacy, although the delusion may be extremely circumscribed; although the mind may be quite sound in all that is not within the shades of the very partial eclipse; and although the act to be avoided can in no way be connected with the influence of the insanity, yet to deliver a lunatic from responsibility to criminal justice, above all in a case of such atrocity as the present, the relation between the disease and the act should be apparent. Where the connection is doubtful, the judgment should certainly be most indulgent, from the great difficulty of diving into the secret sources of a disordered mind; but still, I think that, as a doctrine of law, the delusion and the act should be connected.

IN DEFENSE OF THOMAS HARDY

(Peroration of the Speech Defending Hardy Against an Indictment for High Treason)

In times, when the whole habitable earth is in a state of change and fluctuation, when deserts are starting up into civilized empires around you, and when men, no longer slaves to the prejudices of particular countries, much less to the abuses of particular governments, enlist themselves, like the citizens of an enlightened world, into communities where their civil liberties may be best protected, it never can be for the advantage of this country to prove that the strict, unextended letter of her laws is no security to its inhabitants. On the contrary, when so dangerous a lure is everywhere holding out to emigration, it will be found to be the wisest policy of Great Britain to set up her happy Constitution,—the strict letter of her guardian laws and the proud condition of equal freedom, which her highest and her lowest subjects ought equally to enjoy; it will be her wisest policy to set up these first of human blessings against those charms of change and novelty which the varying condition of the world is hourly displaying, and which may deeply affect the population and prosperity of our country. In times, when the subordination to authority is said to be everywhere but too little felt, it will be found to be the wisest policy of Great Britain to instill into the governed an almost superstitious reverence for the strict security of the laws, which, from their equality of principle, beget no jealousies or discontent; which, from their equal administration, can seldom work injustice; and which, from the reverence growing out of their mildness and antiquity, acquire a stability in the habits and affections of men, far beyond the force of civil obligation: whereas severe penalties, and arbitrary constructions of laws intended for security, lay the foundations of alienation from every human government, and have been the cause of all the calamities that have come and are coming upon the earth.

Gentlemen, what we read of in books makes but a faint impression upon us, compared to what we see passing under our eyes in the living world. I remember the people of another country, in like manner, contending for a renovation of their Constitution, sometimes illegally and turbulently, but still devoted

to an honest end. I myself saw the people of Brabant so contending for the ancient Constitution of the good Duke of Burgundy. How was this people dealt by? All, who were only contending for their own rights and privileges, were supposed to be, of course, disaffected to the Emperor; they were handed over to courts constituted for the emergency, as this is, and the Emperor marched his army through the country till all was peace — but such peace as there is in Vesuvius, or Ætna, the very moment before they vomit forth their lava, and roll their conflagrations over the devoted habitations of mankind. When the French approached, the fatal effects were suddenly seen of a government of constraint and terror: the well-affected were dispirited, and the disaffected inflamed into fury. At that moment the Archduchess fled from Brussels, and the Duke of Saxe-Teschen was sent express to offer the *joyeuse entrée* so long petitioned for in vain: but the season of concession was past, the storm blew from every quarter, and the throne of Brabant departed forever from the House of Burgundy. Gentlemen, I venture to affirm that, with other councils, this fatal prelude to the last revolution in that country might have been averted. If the Emperor had been advised to make the concessions of justice and affection to his people, they would have risen in a mass to maintain their prince's authority, interwoven with their own liberties; and the French, the giants of modern times, would, like the giants of antiquity, have been trampled in the mire of their own ambition. In the same manner, a far more splendid and important Crown passed away from his Majesty's illustrious brows — the imperial Crown of America. The people of that country too, for a long season, contended as subjects, and often with irregularity and turbulence, for what they felt to be their rights: and, O Gentlemen! that the inspiring and immortal eloquence of that man, whose name I have so often mentioned, had then been heard with effect! — what was his language to this country, when she sought to lay burdens on America, — not to support the dignity of the Crown, or for the increase of national revenue, but to raise a fund for the purpose of corruption — a fund for maintaining those tribes of hireling skipjacks, which Mr. Tooke so well contrasted with the hereditary nobility of England! Though America would not bear this imposition, she would have borne any useful or constitutional burden to support the parent state. "For that service, for all service," said Mr. Burke, "whether of revenue, trade, or

empire, my trust is in her interest in the British Constitution. My hold of the colonies is in the close affection which grows from common names, from kindred blood, from similar privileges, and equal protection. These are ties which, though light as air, are as strong as links of iron. Let the colonies always keep the idea of their civil rights associated with your governments, they will cling and grapple to you, and no force under heaven will be of power to tear them from their allegiance. But let it be once understood that your government may be one thing, and their privileges another,—that these two things may exist without any mutual relation,—the cement is gone; the cohesion is loosened; and everything hastens to decay and dissolution. As long as you have the wisdom to keep the sovereign authority of this country as the sanctuary of liberty, the sacred temple consecrated to our common faith, wherever the chosen race and sons of England worship freedom, they will turn their faces toward you. The more they multiply, the more friends you will have; the more ardently they love liberty, the more perfect will be their obedience. Slavery they can have anywhere. It is a weed that grows in every soil. They may have it from Spain, they may have it from Prussia. But until you become lost to all feeling of your true interest and your natural dignity, freedom they can have from none but you. This is the commodity of price, of which you have the monopoly. This is the true act of navigation which binds to you the commerce of the colonies, and through them secures to you the wealth of the world. Is it not the same virtue which does everything for us here in England? Do you imagine, then, that it is the land-tax act which raises your revenue? That it is the annual vote in the Committee of Supply, which gives you your army? Or that it is the Mutiny Bill which inspires it with bravery and discipline? No! surely no! It is the love of the people; it is their attachment to their government, from the sense of the deep stake they have in such a glorious institution, which gives you your army and your navy, and infuses into both that liberal obedience, without which your army would be a base rabble, and your navy nothing but rotten timber."

Gentlemen,—to conclude,—my fervent wish is that we may not conjure up a spirit to destroy ourselves, nor set the example here of what in another country we deplore. Let us cherish the old and venerable laws of our forefathers! Let our judicial ad-

ministration be strict and pure; and let the jury of the land preserve the life of a fellow-subject, who only asks it from them upon the same terms under which they hold their own lives, and all that is dear to them and their posterity forever! Let me repeat the wish with which I began my address to you and which proceeds from the very bottom of my heart: may it please God, who is the Author of all mercies to mankind, whose providence, I am persuaded, guides and superintends the transactions of the world, and whose guardian spirit has forever hovered over this prosperous island, to direct and fortify your judgments! I am aware I have not acquitted myself to the unfortunate man, who has put his trust in me, in the manner I could have wished, yet I am unable to proceed any further,—exhausted in spirit and in strength, but confident in the expectation of justice.

FREE SPEECH AND FUNDAMENTAL RIGHTS

(From the Argument in Behalf of Thomas Paine at His Trial for Libel)

Gentlemen:—

I SAY, in the name of Thomas Paine, and in his words as author of 'The Rights of Man,' as written in the very volume that is charged with seeking the destruction of property:—

«The end of all political associations is, the preservation of the rights of man, which rights are liberty, property, and security; that the nation is the source of all sovereignty derived from it; the right of property being secured and inviolable, no one ought to be deprived of it, except in cases of evident public necessity, legally ascertained, and on condition of a previous just indemnity.»

These are undoubtedly the rights of man—the rights for which all governments are established—and the only rights Mr. Paine contends for; but which he thinks (no matter whether right or wrong) are better to be secured by a republican constitution than by the forms of the English Government. He instructs me to admit that, when government is once constituted, no individuals, without rebellion, can withdraw their obedience from it,—that all attempts to excite them to it are highly criminal, for the most obvious reasons of policy and justice,—that nothing short of the will of a whole people can change or affect

the rule by which a nation is to be governed,—and that no private opinion, however honestly inimical to the forms or substance of the law, can justify resistance to its authority, while it remains in force. The author of 'The Rights of Man' not only admits the truth of all this doctrine, but he consents to be convicted, and I also consent for him, unless his work shall be found studiously and painfully to inculcate these great principles of government which it is charged to have been written to destroy.

Let me not, therefore, be suspected to be contending that it is lawful to write a book pointing out defects in the English Government, and exciting individuals to destroy its sanctions and to refuse obedience. But, on the other hand, I do contend that it is lawful to address the English nation on these momentous subjects; for had it not been for this inalienable right (thanks be to God and our fathers for establishing it!), how should we have had this Constitution which we so loudly boast of? If, in the march of the human mind, no man could have gone before the establishments of the time he lived in, how could our establishment, by reiterated changes, have become what it is? If no man could have awakened the public mind to errors and abuses in our Government, how could it have passed on from stage to stage, through reformation and revolution, so as to have arrived from barbarism to such a pitch of happiness and perfection, that the Attorney-General considers it as profanation to touch it further, or to look for any future amendment?

In this manner power has reasoned in every age:—government, in its own estimation, has been at all times a system of perfection; but a free press has examined and detected its errors, and the people have, from time to time, reformed them. This freedom has alone made our Government what it is; this freedom alone can preserve it; and therefore, under the banners of that freedom, to-day I stand up to defend Thomas Paine. But how, alas! shall this task be accomplished? How may I expect from you what human nature has not made man for the performance of? How am I to address your reasons, or ask them to pause, amidst the torrent of prejudice which has hurried away the public mind on the subject you are to judge? . . .

Was any Englishman ever so brought as a criminal before an English court of justice? If I were to ask you, gentlemen of the jury, what is the choicest fruit that grows upon the tree of English liberty, you would answer: Security under the law. If I

were to ask the whole people of England the return they looked for at the hands of Government, for the burdens under which they bend to support it, I should still be answered: Security under the law; or, in other words, an impartial administration of justice. So sacred, therefore, has the freedom of trial been ever held in England — so anxiously does Justice guard against every possible bias in her path, that if the public mind has been locally agitated upon any subject in judgment, the forum has either been changed, or the trial postponed. The circulation of any paper that brings, or can be supposed to bring, prejudice, or even well-founded knowledge, within the reach of a British tribunal, on the spur of an occasion, is not only highly criminal, but defeats itself, by leading to put off the trial which its object was to pervert. On this principle, the noble and learned judge will permit me to remind him that on the trial of the Dean of St. Asaph for a libel, or rather when he was brought to trial, the circulation of books by a society favorable to his defense was held by his lordship, as chief-justice of Chester, to be a reason for not trying the cause, although they contained no matter relative to the Dean, nor to the object of his trial, being only extracts from ancient authors of high reputation, on the general rights of juries to consider the innocence as well as the guilt of the accused; yet still as the recollection of these rights was pressed forward with a view to affect the proceedings, the proceedings were postponed. . . .

The universal God of nature,—the Savior of mankind,—the Fountain of all light, who came to pluck the world from eternal darkness, expired upon a cross,—the scoff of infidel scorn; and his blessed Apostles followed him in the train of martyrs. When he came in the flesh, he might have come like the Mohammedan Prophet, as a powerful sovereign, and propagated his religion with an unconquerable sword, which even now, after the lapse of ages, is but slowly advancing under the influence of reason, over the face of the earth; but such a process would have been inconsistent with his mission, which was to confound the pride and to establish the universal rights of men; he came, therefore, in that lowly state which is represented in the Gospel, and preached his consolations to the poor.

When the foundation of this religion was discovered to be invulnerable and immortal, we find political power taking the Church into partnership; thus began the corruptions both of

religious and civil power, and, hand in hand together, what havoc have they not made in the world! Ruling by ignorance and the persecution of truth, this very persecution only hastened the revival of letters and liberty. Nay, you will find that in the exact proportion that knowledge and learning have been beat down and fettered, they have destroyed the governments which bound them. The Court of Star Chamber, the first restriction of the press of England, was erected, previous to all the great changes in the Constitution. From that moment, no man could legally write without an imprimatur from the State; but truth and freedom found their way with greater force through secret channels, and the unhappy Charles, unwarned by a free press, was brought to an ignominious death. When men can freely communicate their thoughts and their sufferings, real or imaginary, their passions spend themselves in air, like gunpowder scattered upon the surface; but pent up by terrors, they work unseen, burst forth in a moment, and destroy everything in their course. Let reason be opposed to reason, and argument to argument, and every good government will be safe.

The usurper Cromwell pursued the same system of restraint in support of his government, and the end of it speedily followed.

At the restoration of Charles II., the Star Chamber Ordinance of 1637 was worked up into an act of Parliament, and was followed up during that reign, and the short one that followed it, by the most sanguinary prosecutions; but what fact in history is more notorious than that this blind and contemptible policy prepared and hastened the revolution? At that great era these cobwebs were all brushed away; the freedom of the press was regenerated,—and the country, ruled by its affections, has since enjoyed a century of tranquillity and glory. Thus I have maintained, by English history, that in proportion as the press has been free, English Government has been secure.

Gentlemen, the same important truth may be illustrated by great authorities. Upon a subject of this kind, resort cannot be had to law cases. The ancient law of England knew nothing of such libels; they began, and should have ended, with the Star Chamber. What writings are slanderous of individuals must be looked for where these prosecutions are recorded; but upon general subjects we must go to general writers. If, indeed, I were to refer to obscure authors, I might be answered, that my very

authorities were libels, instead of justifications or examples; but this cannot be said with effect of great men, whose works are classics in our language,—taught in our schools,—and repeatedly printed under the eye of Government.

I shall begin with the poet Milton, a great authority on all learning. It may be said, indeed, he was a republican, but that would only prove that republicanism is not incompatible with virtue; it may be said, too, that the work which I cite was written against previous licensing, which is not contended for to-day. But, if every work were to be adjudged a libel, which was adverse to the wishes of Government, or to the opinions of those who may compose it, the revival of a licenser would be a security to the public. If I present my book to a magistrate appointed by law, and he reject it, I have only to forbear from the publication; in the forbearance I am safe; and he, too, is answerable to law for the abuse of his authority. But, upon the argument of to-day, a man must print at his peril, without any guide to the principles of judgment, upon which his work may be afterwards prosecuted and condemned. Milton's argument, therefore, applies, and was meant to apply, to every interruption to writing, which, while they oppress the individual, endanger the State.

"We have them not," says Milton, "that can be heard of, from any ancient state, or polity, or church, nor by any statute left us by our ancestors, elder or later, nor from the modern custom of any reformed city or church abroad, but from the most anti-Christian council and the most tyrannous inquisition that ever existed. Till then, books were ever as freely admitted into the world as any other birth; the issue of the brain was no more stifled than the issue of the womb.

"To the pure all things are pure; not only meats and drinks, but all kinds of knowledge whether good or evil; the knowledge cannot defile, nor consequently the books, if the will and conscience be not defiled.

"Bad books serve in many respects to discover, to confute, to forewarn, and to illustrate. Whereof, what better witness can we expect I should produce than one of your own, now sitting in Parliament, the chief of learned men reputed in this land, Mr. Selden, whose volume of natural and national laws, proves, not only by great authorities brought together, but by exquisite reasons and theorems almost mathematically demonstrative, that all

opinions, yea errors known, read, and collated, are of main service and assistance toward the speedy attainment of what is truest.

"Opinions and understanding are not such wares as to be monopolized and traded in by tickets and statutes and standards. We must not think to make a staple commodity of all the knowledge in the land, to mark and license it like our broadcloth and our wool-packs.

"Nor is it to the common people less than a reproach; for if we be so jealous over them that we cannot trust them with an English pamphlet, what do we but censure them for a giddy, vicious, and ungrounded people, in such a sick and weak state of faith and discretion, as to be able to take nothing down but through the pipe of a licenser? That this is care or love of them, we cannot pretend.

"Those corruptions which it seeks to prevent, break in faster at doors which cannot be shut. To prevent men thinking and acting for themselves, by restraints on the press, is like to the exploits of that gallant man who thought to pound up the crows by shutting his park gate.

"This obstructing violence meets for the most part with an event utterly opposite to the end which it drives at; instead of suppressing books it raises them, and invests them with a reputation: 'the punishment of wits enhances their authority,' saith the Viscount St. Albans; and a forbidden writing is thought to be a certain spark of truth that flies up in the face of them who seek to tread it out."

He then adverts to his visit to the famous Galileo, whom he found and visited in the Inquisition, "for not thinking in astronomy with the Franciscan and Dominican monks." And what event ought more deeply to interest and affect us? The very laws of nature were to bend under the rod of a licenser;—this illustrious astronomer ended his life within the bars of a prison, because, in seeing the phases of Venus through his newly-invented telescope, he pronounced that she shone with borrowed light, and from the sun as the centre of the universe. This was the mighty crime, the placing the sun in the centre—that sun which now inhabits it upon the foundation of mathematical truth, which enables us to traverse the pathless ocean and to carry our line and rule amongst other worlds, which but for Galileo we had never known, perhaps even to the recesses of an infinite and eternal God.

Milton, then, in his most eloquent address to the Parliament, puts the liberty of the press on its true and most honorable foundation:—

"Believe it, lords and commons, they who counsel ye to such a suppression of books do as good as bid you suppress yourselves, and I will soon show how.

"If it be desired to know the immediate cause of all this free writing and free speaking, there cannot be assigned a truer than your own mild, and free, and humane Government. It is the liberty, lords and commons, which your own valorous and happy counsels have purchased us; liberty, which is the nurse of all great wits; this is that which hath rarefied and enlightened our spirits like the influence of heaven; this is that which hath enfranchised, enlarged, and lifted up our apprehensions, degrees above themselves. Ye cannot make us now less capable, less knowing, less eagerly pursuing the truth, unless ye first make yourselves, that made us so, less the lovers, less the founders of our true liberty. We can grow ignorant again, brutish, formal, and slavish, as ye found us; but you then must first become that which ye cannot be, oppressive, arbitrary, and tyrannous, as they were from whom ye have freed us. That our hearts are now more capacious, our thoughts now more erected to the search and expectation of greatest and exactest things, is the issue of our own virtue propagated in us. Give me the liberty to know, to utter, and to argue freely according to conscience, above all liberties."

But now every man is to be cried down for such opinions. I observed that my learned friend significantly raised his voice in naming Mr. Horne Tooke, as if to connect him with Paine, or Paine with him. This is exactly the same course of justice, for, after all, he said nothing of Mr. Tooke. What could he have said, but that he was a man of great talents, and a subscriber with the great names I have read in proceedings which they have thought fit to desert?

Gentlemen, let others hold their opinions and change them at their pleasure; I shall ever maintain it to be the dearest privilege of the people of Great Britain to watch over everything that affects their happiness, either in the system of government or in the practice, and that for this purpose the press must be free. It has always been so, and much evil has been corrected by it. If Government find itself annoyed by it, let it examine

its own conduct, and it will find the cause,—let it amend it, and it will find the remedy.

Gentlemen, I am no friend to sarcasms in the discussion of grave subjects, but you must take writers according to the view of the mind at the moment; Mr. Burke as often as anybody indulges in it:—hear his reason in his speech on Reform, for not taking away the salaries from lords who attend upon the British court. "You would," said he, "have the court deserted by all the nobility of the kingdom.

"Sir, the most serious mischiefs would follow from such a desertion. Kings are naturally lovers of low company; they are so elevated above all the rest of mankind, that they must look upon all their subjects as on a level; they are rather apt to hate than to love their nobility on account of the occasional resistance to their will, which will be made by their virtue, their petulance, or their pride. It must, indeed, be admitted that many of the nobility are as perfectly willing to act the part of flatterers, tale-bearers, parasites, pimps, and buffoons, as any of the lowest and vilest of mankind can possibly be. But they are not properly qualified for this object of their ambition. The want of a regular education and early habits, with some lurking remains of their dignity, will never permit them to become a match for an Italian eunuch, a mountebank, a fiddler, a player, or any regular practitioner of that tribe. The Roman Emperors, almost from the beginning, threw themselves into such hands, and the mischief increased every day till its decline and its final ruin. It is, therefore, of very great importance (provided the thing is not overdone), to contrive such an establishment as must, almost whether a prince will or not, bring into daily and hourly offices about his person, a great number of his first nobility; and it is rather a useful prejudice that gives them a pride in such a servitude; though they are not much the better for a court, a court will be much the better for them. I have, therefore, not attempted to reform any of the offices of honor about the King's person."

What is all this but saying that a king is an animal so incurably addicted to low company as generally to bring on by it the ruin of nations; but, nevertheless, he is to be kept as a necessary evil, and his propensities bridled by surrounding him with a parcel of miscreants still worse, if possible, but better than those he would choose for himself. This, therefore, if taken by

itself, would be a most abominable and libelous sarcasm on kings and nobility; but look at the whole speech, and you observe a great system of regulation; and no man, I believe, ever doubted Mr. Burke's attachment to monarchy. To judge, therefore, of any part of a writing, the whole must be read.

With the same view I will read to you the beginning of Harrington's 'Oceana'; but it is impossible to name this well-known author without exposing to just contempt and ridicule the ignorant or profligate misrepresentations which are vomited forth upon the public, to bear down every man as desperately wicked, who, in any age or country, has countenanced a republic, for the mean purpose of prejudging this trial.

Is this the way to support the English Constitution? Are these the means by which Englishmen are to be taught to cherish it? I say, if the man upon trial were stained with blood instead of ink,—if he were covered over with crimes which human nature would start at the naming of, the means employed against him would not be the less disgraceful.

For this notable purpose, then, Harrington, not above a week ago, was handed out to us as a low, obscure wretch, involved in the murder of the monarch and the destruction of the monarchy, and as addressing his despicable works at the shrine of a usurper. Yet this very Harrington, this low blackguard, was descended (you may see his pedigree at the Herald's office for sixpence) from eight dukes, three marquisses, seventy earls, twenty-seven viscounts, and thirty-six barons, sixteen of whom were knights of the garter; a descent which, I think, would save a man from disgrace in any of the circles of Germany. But what was he besides?—a blood-stained ruffian?—Oh, brutal ignorance of the history of the country! He was the most affectionate servant of Charles I., from whom he never concealed his opinions; for it is observed by Wood that the King greatly affected his company; but when they happened to talk of a commonwealth, he would scarcely endure it. "I know not," says Toland, "which most to commend: the King for trusting an honest man, though a republican; or Harrington for owning his principles while he served a King."

But did his opinions affect his conduct? Let history again answer: He preserved his fidelity to his unhappy prince to the very last, after all his fawning courtiers had left him to his

enraged subjects. He stayed with him while a prisoner in the Isle of Wight; — came up by stealth to follow the fortunes of his monarch and master; — even hid himself in the boot of the coach when he was conveyed to Windsor; — and, ending as he began, fell into his arms and fainted on the scaffold.

After Charles's death the 'Oceana' was written, and as if it were written from justice and affection to his memory; for it breathes the same noble and spirited regard, and asserts that it was not Charles that brought on the destruction of the Monarchy, but the feeble and ill-constituted nature of monarchy itself.

"But the book was a flattery to Cromwell!" Once more and finally let history decide. The 'Oceana' was seized by the Usurper as a libel, and the way it was recovered is remarkable. I mention it to show that Cromwell was a wise man in himself, and knew on what governments must stand for their support.

Harrington waited on the Protector's daughter to beg for his book, which her father had taken, and, on entering her apartment, snatched up her child and ran away. On her following him with surprise and terror, he turned to her and said: "I know what you feel as a mother; feel, then, for me; your father has got my child," meaning the 'Oceana.' The 'Oceana' was afterwards restored on her petition, Cromwell answering with the sagacity of a sound politician: "Let him have his book; if my Government is made to stand, it has nothing to fear from paper shot." He said true. No good government will ever be battered by paper shot. Montesquieu says: "In a free nation, it matters not whether individuals reason well or ill; it is sufficient that they do reason. Truth arises from the collision, and from hence springs liberty, which is a security from the effect of reasoning." The Attorney-General has read extracts from Mr. Adams's answer to this book. Let others write answers to it, like Mr. Adams; I am not insisting upon the infallibility of Mr. Paine's doctrines; if they are erroneous, let them be answered, and truth will spring from the collision.

Milton wisely says that a disposition in a nation to this species of controversy is no proof of sedition or degeneracy, but quite the reverse (I omitted to cite the passage with the others). In speaking of this subject, he rises into that inexpressibly sublime style of writing, wholly peculiar to himself. He was, indeed, no plagiary from anything human; he looked up for light and

expression, as he himself wonderfully describes it, by devout prayer to that great Being who is the source of all utterance and knowledge, and who sendeth out his seraphim with the hallowed fire of his altar to touch and purify the lips of whom he pleases. "When the cheerfulness of the people," says this mighty poet, "is so sprightly up, as that it hath not only wherewith to guard well its own freedom and safety, but to spare, and to bestow upon the solidest and sublimest points of controversy and new invention, it betokens us not degenerated nor drooping to a fatal decay, but casting off the old and wrinkled skin of corruption, to outlive these pangs and wax young again, entering the glorious ways of truth and prosperous virtue, destined to become great and honorable in these latter ages. Methinks I see in my mind a noble and puissant nation rousing herself, like a strong man after sleep, and shaking her invincible locks; methinks I see her as an eagle mewing her mighty youth, and kindling her undazzled eyes at the full midday beam; purging and unscaling her long-abused sight at the fountain itself of heavenly radiance; while the whole noise of timorous and flocking birds, with those also that love the twilight, flutter about, amazed at what she means, and in their envious gabble would prognosticate a year of sects and schisms."

Gentlemen, what Milton only saw in his mighty imagination, I see in fact; what he expected, but which never came to pass, I see now fulfilling; methinks I see this noble and puissant nation, not degenerated and drooping to a fatal decay, but casting off the wrinkled skin of corruption to put on again the vigor of her youth. And it is, because others as well as myself see this, that we have all this uproar. France and its Constitution are the mere pretenses. It is, because Britons begin to recollect the inheritance of their own Constitution left them by their ancestors; it is, because they are awakened to the corruptions which have fallen upon its most valuable parts, that forsooth the nation is in danger of being destroyed by a single pamphlet. I have marked the course of this alarm; it began with the renovation of those exertions for the public, which the alarmists themselves had originated and deserted; and they became louder and louder when they saw them avowed and supported by my admirable friend, Mr. Fox, the most eminently honest and enlightened statesman that history brings us acquainted with — a man whom to name is

to honor, but whom in attempting adequately to describe, I must fly to Mr. Burke, my constant refuge when eloquence is necessary — a man who, to relieve the sufferings of the most distant nation, "put to the hazard his ease, his security, his interest, his power, even his darling popularity, for the benefit of a people whom he had never seen." How much more, then, for the inhabitants of his native country! Yet this is the man who has been censured and disavowed in the manner we have lately seen.

Gentlemen, I have but a few more words to trouble you with: I take my leave of you with declaring that all this freedom which I have been endeavoring to assert is no more than the ancient freedom which belongs to our own inbred Constitution; I have not asked you to acquit Thomas Paine upon any new lights, or upon any principle but that of the law, which you are sworn to administer; — my great object has been to inculcate that wisdom and policy, which are the parents of the Government of Great Britain, forbid this jealous eye over her subjects; and that, on the contrary, they cry aloud in the language of the poet, adverted to by Lord Chatham on the memorable subject of America, unfortunately without effect.

> "Be to their faults a little blind,
> Be to their virtues very kind;
> Let all their thoughts be unconfin'd,
> Nor clap your padlock on the mind."

Engage the people by their affections, convince their reason, — and they will be loyal from the only principle that can make loyalty sincere, vigorous, or rational, — a conviction that it is their truest interest, and that their government is for their good. Constraint is the natural parent of resistance, and a pregnant proof that reason is not on the side of those who use it. You must all remember Lucian's pleasant story; Jupiter and a countryman were walking together, conversing with great freedom and familiarity upon the subject of heaven and earth. The countryman listened with attention and acquiescence, while Jupiter strove only to convince him: — but happening to hint a doubt, Jupiter turned hastily around and threatened him with his thunder. "Ah! ah!" says the countryman, "now, Jupiter, I know that you are wrong; you are always wrong when you appeal to your thunder."

This is the case with me — I can reason with the people of England, but I cannot fight against the thunder of authority.

Gentlemen, this is my defense of free opinions. With regard to myself, I am, and always have been, obedient and affectionate to the law; — to that rule of action, as long as I exist, I shall ever do as I have done to-day, maintain the dignity of my high profession, and perform, as I understand them, all its important duties.

WILLIAM MAXWELL EVARTS

(1818–)

William Maxwell Evarts was born in Boston, February 6th, 1818, and educated at Yale, where he graduated in 1837. Three years later he was admitted to the New York bar, where for nearly half a century he held a distinguished place. His knowledge of the principles of law and of constitutional government led to his selection as counsel for President Johnson at the impeachment trial in 1868. He conducted the defense with great ability, and, after the close of the trial, served as Attorney-General, from 1868 to 1869, in President Johnson's Cabinet. In 1872 he was counsel for the United States before the Geneva tribunal, and in 1877 he represented the Republican party before the Electoral Commission. He served four years as Secretary of State in the Hayes Cabinet (1877–81), and six years (1885–91) as United States Senator from New York. During this period, he was frequently discussed as a candidate for the Presidency, but he was much greater in law than in politics, and though he won great successes at the bar with apparent ease, his political successes were seemingly either wholly accidental or else a result of his greatness as a lawyer. As an orator, he was perhaps unduly celebrated for the length of his sentences; but however long they may be, they are seldom involved, and the easy fluidity of his style is well worth study.

THE WEAKEST SPOT OF THE AMERICAN SYSTEM

(From the Speech for the Defense at the Impeachment of President Johnson)

There are in the Constitution but three barriers against the will of a majority of Congress within the terms of their authority. One is that it requires a two-thirds vote to expel a Member of either house; another that a two-thirds vote is necessary to pass a law over the objections of the President; and another, that a two-thirds vote of the Senate, sitting as a court for the trial of impeachment, is requisite to a sentence. And now how have these two last protections of the executive

office disappeared from the Constitution in its practical working by the condition of parties that has given to one the firm possession by a three-fourths vote, I think in both houses, of the control of the action of each body of the Legislature? Reflect upon this. I do not touch upon the particular circumstance that the nonrestoration of the Southern States has left your numbers in both houses of Congress less than they might under other circumstances be. I do not calculate whether that absence diminishes or increases the disproportion that there would be. Possibly their presence might even aggravate the political majority which is thus arrayed and thus overrides practically all the calculations of the presidential protection through the guarantees of the Constitution; for, what do the two-thirds provisions mean? They mean that in a free country, where elections were diffused over a vast area, no Congressman having a constituency of over seventy or eighty thousand people, it was impossible to suppose that there would not be a somewhat equal division of parties, or impossible to suppose that the excitements and zeal of party could carry all the members of it into any extravagance. I do not call them extravagances in any sense of reproach; I merely speak of them as the extreme measures that parties in politics, and under whatever motives, may be disposed to adopt.

Certainly, then, there is ground to pause and consider, before you bring to a determination this great struggle between the coordinate branches of the Government, this agitation and this conclusion in a certain event of the question whether the coordination of the Constitution can be preserved. Attend to these special circumstances and determine for yourselves whether, under these influences, it is best to urge a contest which must operate upon the framework of the Constitution and its future, unattended by any exceptions of a peculiar nature that govern the actual situation. Ah, that is the misery of human affairs, that the stress comes and has its consequence when the system is least prepared to receive it. It is the misery that disease, casual, circumstantial, invades the frame when health is depressed and the powers of the constitution to resist it are at the lowest ebb. It is that the gale rises and sweeps the ship to destruction when there is no sea-room for it and when it is upon a lee shore. And if concurrent with that danger to the good ship, her crew be short, if her helm be unsettled, if disorder begin to prevail, and there come to be a final struggle for the maintenance of

mastery against the elements and over the only chances of safety, how wretched is the condition of that people whose fortunes are embarked in that ship of state!

What other protection is there for the presidential office than these two-thirds guarantees of the Constitution that have disappeared? The Supreme Court placed there to determine, among the remarkable provinces of its jurisdiction, the lines of separation and of duty and of power, under our Constitution, between the Legislature and the President. Ah! under this evidence, received and rejected, the very effort of the President was, when the two-thirds majorities had urged the contest against him, to raise a case for the Supreme Court to decide; and then the Legislature, coming in by its special condition of impeachment, intercepts the effort and brings his head again within the mere power of Congress, where the two-thirds rule is equally ineffectual as between the parties to the contest.

This is matter of grave import, of necessary consideration, which, with the people of this country, with watchful foreign nations, and in the eyes of history, will be one of the determining features of this great controversy; for great as is the question in the estimate of the managers, or of ourselves, or of the public intelligence of this people, of how great the power should be on one side or the other, with Congress or with the President, that question sinks into absolute insignificance compared with the greater and higher question, the question that has been in the Constitution, that has been in the minds of philosophers, of publicists, and of statesmen since it was founded, whether it was in the power of a written constitution to draw lines of separation and put up buttresses of defense between the co-ordinate branches of the Government. And with that question settled adversely with a determination that one can devour, and having the power, will devour the other, then the balances of the American Constitution are lost, and lost forever. Nobody can reinstate in paper what has once been struck down in fact. Mankind are governed by instances, not by resolutions.

And then, indeed, there is placed before the people of this country, either despair at the theory of paper constitutions, which have been derided by many foreign statesmen, or else an attempt to establish new balances of power by which, the poise of the different departments being more firmly placed, one can be safe against the other. But who can be wiser than our fathers? Who

can be juster than they? Who can be more considerate or more disinterested than they? And if their descendants have not the virtue to maintain what they so wisely and so nobly established, how can these same descendants hope to have the virtue and the wisdom to make a better establishment for their posterity?

Nay, Senators, I urge upon you to consider whether you will not recoil from settling so tremendous a subject under so special, so disadvantageous, so disastrous circumstances as I have portrayed to you in the particular situation of these branches of the Government. A stronger Executive, with an absolute veto, with a longer term, with more permanent possession and control of official patronage, will be necessary for the support of this executive department, if the wise and just and considerate measure of our ancestors shall not prove, in your judgment, sufficient; or, if that be distasteful, if that be unacceptable, if that be inadmissible, then we must swing it all over into the omnipotence of Congress, and recur to the exploded experiment of the Confederation, where Congress was executive and legislative, all in one.

There is one other general topic, not to be left unnoticed for the very serious impression that it brings upon the political situation which forms the staple — I must say it — of the pressure on the part of the managers to make out a crime, a fault, a danger that should enlist your action in the terrible machinery of impeachment and condemnation. I mean the very peculiar political situation in the country itself and in the administration of this Government over the people of the country which has been the womb from which has sprung this disorder and conflict between the departments of the Government. I can, I think, be quite brief about it, and certainly shall not infringe upon any of the political proprieties of the occasion.

The suppression of an armed rebellion and the reduction of the revolted States to the power of the Government, when the region and the population embraced in the rebellion were so vast, and the head to which the revolt had come was so great, and the resistance so continuous, left a problem of as great difficulty in human affairs as was ever proposed to the actions of any government. The work of pacification would have been a severe task for any government after so great a struggle, when so great passions were enlisted, when so great wounds had been inflicted, when so great discontents had urged the controversy, and so much bitterness had survived its formal settle-

ment; but, wonderful to say, with his situation, so difficult as to surpass almost the powers of Government as exhibited in any former instance in the history of the world, there occurred a special circumstance that by itself would have tasked all the resources of statesmanship under even a simple government. I mean the emancipation of the slaves, which had thrown four millions of human beings, not by the processes of peace, but by the sudden blow of war, into the possession of their freedom; which had changed at once, against their will, the relation of all the rest of the population to these men that had been their slaves.

The process of adaptation of society and of law to so grave a social change as that, even when accomplished in peace, and when not disturbed by the operations of war and by the discontents of a suppressed rebellion, are as much as any wisdom or any courage, or any prosperity that is given to Government, can expect to ride through in safety and peace. When, then, these two great political facts concur and press upon the Government that is responsible for their conduct, how vast, how difficult, how intractable, and unmanageable seems the posture!

But this does not represent the measure or even the principal feature of the difficulty. When the Government whose arms have triumphed and suppressed resistance is itself, by the theory and action of the Constitution, the Government that by peaceful law is to maintain its authority, the process is simple; but under our complex Government, according to the theory and the practice, the interests and the feelings, the restored Constitution surrenders their domestic affairs at once to the local governments of the people who have been in rebellion. And then arises what has formed the staple of our politics for the last four years, what has tried the theory, the wisdom, the courage, the patriotism of all. It is how far under the Constitution, as it stands, the General Government can exercise absolute control in the transition period between war and absolute restored peace, and how much found to be thus unmanageable shall be committed to changes of the Constitution. And when we understand that the great controversy in the formation of the Constitution itself was, how far the General Government should be intrusted with domestic concerns, and remember the final triumph of the general features of the Constitution under which the people of the States were not willing, in the language of Mr. Ellsworth, to intrust the General

Government with their domestic interests, we see at once how wide, how dangerous, how difficult the arena of controversy of constitutional law and of difference of opinion as to what was or is constitutional,—even if it be not of what changes shall be or ought to be made in the Constitution to meet the practical situation.

Then when you add to this that as people divide on these questions, and as the practical forces on one side and the other are the loyal masses and the rebel masses, whoever divides from his neighbor, from his associate, from his party adherents in that line of constitutional opinion and in that line of governmental action which seems to press least changes upon the Constitution and least control upon the masses lately in rebellion, will be suspected and charged and named and called an ally of traitors and rebels, you have at once disclosed how our dangerous politics have been brought to the head in which these names of "traitor" and of "rebel," which belong to war, have been made the current phrases of political discussion.

I do not question the rectitude, nor do I question the wisdom of any positions that have been taken as matter of argument or as matter of faith or as matter of action in the disposition of this peculiar situation. I only attract your attention to the necessities and dangers of the situation itself. We were in the condition in which the question of the surrender to the local communities of their domestic affairs, which the order of the Constitution had arranged for the peaceful situation, became impossible without the gravest dangers to the State, both in respect to the public order and in respect to this changed condition of the slaves.

In English history the Commons were urged, after they had rejected the King from the British Constitution and found the difficulty of making things work smoothly, *stare super antiquas vias;* but, said Sergeant Maynard: "It is not the question of standing upon the ancient ways, for we are not on them." The problem of the Constitution is, as it was then, how to get upon the ancient ways from these paths that disorder and violence and rebellion had forced us into; and here it was that the exasperations and the exacerbations of politics came up mingling with charges of infidelity to party and with treason, moral treason, political treason, I suppose, to the State. How many theories did we have?

In this Senate, if I am not mistaken, one very influential and able and eloquent Senator was disposed to press the doctrines of the Declaration of Independence into being working forces of our constituted liberty, and a sort of preconstitutional theory was adopted to suit the logical and political difficulties of the case. In another House a great leader was disposed to put it upon the transconstitutional necessities that the situation itself imposed in perfect peace as in absolute and flagrant war. And thus it was that minds trained in the old school, attached to the Constitution, unable as rhetoricians or as reasoners to adopt these learned phrases and these working theories of preconstitutional or transconstitutional authority and obligation, were puzzled among the ruins of society that the war had produced; and thus, as it seems to me, we find these concurring dangers leading ever to an important and necessary recognition by whoever has to deal with them of the actual and practical influences that they have upon the controversy.

And now let me urge here that all this is within the province of politics; and a free people are unworthy of their freedom and cannot maintain it if their public men, their chosen servants, are not able to draw distinctions between legal and constitutional offense and odious or even abominable politics. Certainly it is so. *Idem sentire de republicâ*, to agree in opinion concerning the public interest, is the bond of one party, and diversity from those opinions the bond of the other; and where passions and struggles of force in any form of violence or of impeachment as an engine of power come into play, then freedom has become license, and then party has become faction, and those who do not withhold their hands until the ruin is accomplished will be subject to that judgment that temperance and fortitude and patience were not the adequate qualities for their conduct in the situation in which they were placed. Oh, why not be wise enough to stay the pressure till adverse circumstances shall not weigh down the State? Why not in time remember the political wisdom —

> «Beware of desperate steps. The darkest day,
> Live till to-morrow, will have passed away.»

The strength of every system is in its weakest part. Alas for that rule! But when the weakest part breaks, the whole is broken. The chain lets slip the ship when the weak link breaks, and the ship founders. The body fails when the weak function

is vitally attacked; and so with every structure, social and political, the weak point is the point of danger, and the weak point of the Constitution is now before you in the maintenance of the co-ordination of the departments of the Government, and if one cannot be kept from devouring another, then the experiment of our ancestors will fail. They attempted to interpose justice. If that fails, what can endure?

We have come all at once to the great experiences and trials of a full-grown nation, all of which we thought we should escape. We never dreamed that an instructed and equal people, with freedom in every form, with a Government yielding to the touch of popular will so readily, ever would come to the trials of force against it. We never thought that what other systems from oppression had developed — civil war — would be our fate without oppression. We never thought that the remedy to get rid of a despotic ruler, fixed by a Constitution against the will of the people, would ever bring assassination into our political experience. We never thought that political differences under an elective presidency would bring in array the departments of the Government against one another to anticipate by ten months the operation of the regular election. And yet we take them all, one after another, and we take them because we have grown to the full vigor of manhood, when the strong passions and interests that have destroyed other nations, composed of human nature like ourselves, have overthrown them. But we have met by the powers of the Constitution these great dangers — prophesied when they would arise as likely to be our doom — the distractions of civil strife, the exhaustions of powerful war, the interruption of the regularity of power through the violence of assassination. We could summon from the people a million of men and inexhaustible treasure to help the Constitution in its time of need. Can we summon now resources enough of civil prudence and of restraint of passion to carry us through this trial, so that whatever result may follow, in whatever form, the people may feel that the Constitution has received no wound? To this court, the last and best resort for this determination, it is to be left. And oh, if you could only carry yourselves back to the spirit and the purpose and the wisdom and the courage of the framers of the Government, how safe would it be in your hands! How safe is it now in your hands, for you who have entered into their labors will see to it that the structure of your

work comports in durability and excellency with theirs. Indeed, so familiar has the course of the argument made us with the names of the men of the Convention and of the First Congress, that I could sometimes seem to think that the presence even of the Chief-Justice was replaced by the serene majesty of Washington, and that from Massachusetts, we had Adams and Ames; from Connecticut, Sherman and Ellsworth; from New Jersey, Paterson and Boudinot; and from New York, Hamilton and Benson; and that they were to determine this case for us. Act, then, as if, under this serene and majestic presence, your deliberations were to be conducted to their close and the Constitution was to come out from the watchful solicitude of these great guardians of it as if from their own judgment in this high court of impeachment.

EDWARD EVERETT

(1794–1865)

EDWARD EVERETT is one of the most respectable figures in American history, elevated in his ideas, broad in his sympathies, almost unerring in his instinct of rectitude, and lacking almost nothing of the first rank as an orator and statesman. What he did lack of greatness in oratory was fire, as force was all he lacked of the qualities necessary for the highest success in statesmanship. He belongs to the class of Washington in his patriotism and in his political methods. Had Washington been an orator, he might have delivered Everett's Charlestown address on 'The History of Liberty,' or, indeed, almost any other one of those highly intellectual and instructive orations which made Everett so deservedly celebrated as an orator in a generation which knew Webster, Clay, Calhoun, and Choate. Unlike all these in his intellectual processes, Everett is unlike them in his results. It is impossible that such a style as his could ever greatly move an audience. He appeals to the intellect, and not to the emotions. But what he loses in one direction, he gains in another. No other orator of his day depends so little on the incidents and accidents of delivery, of place, of time. Such addresses as 'The History of Liberty' have little in them which depends on ephemeral circumstance for its interest. As "reading matter," the best orations of Clay, Calhoun, or Webster are apt to suffer by comparison with the best of Everett's. This, indeed, is his fault as an orator. He too generally approaches the deliberate style of the writer, losing in doing so the rapidity, the warmth, the compelling power of the orator. His surpassingly great merit is his knowledge of history, his grasp of fact, and his ability to present it in its harmonies.

He was born at Dorchester, Massachusetts, April 11th, 1794. "Entering Harvard College when little more than thirteen, he left it four years later with its first honors"—a fact which, as it gave him his bent, serves better than any other single fact to illustrate his meaning in public life. Above everything else, he is "the scholar in politics." After his graduation, he began the study of Divinity, but when barely of age he was made professor of Greek Literature at Harvard, and sent abroad to study. Soon after his return,

he became editor of the North American Review, and in 1824 began delivering the addresses which made him famous. In that year, he was elected to Congress, where he served five successive terms, retiring in 1835 to become Governor of Massachusetts. In 1841 he went as Minister to England, and on his return in 1845 was chosen President of Harvard College. On the death of Daniel Webster, he was appointed Secretary of State in the Fillmore Cabinet, and in 1853 was sent to the United States Senate as the man most worthy to succeed Webster there. His long and useful public career had a fitting close in 1860, when, as a candidate on the ticket with John Bell, he vainly attempted to organize the forces of "Constitutional Union" to prevent civil war. He died at Boston, January 15th, 1865, after a life which honored his State, his section, and his country.

THE HISTORY OF LIBERTY

(Delivered at Charlestown, Massachusetts, July 4th, 1828)

The event which we commemorate is all-important, not merely in our own annals, but in those of the world. The sententious English poet has declared that "the proper study of mankind is man," and of all inquiries of a temporal nature, the history of our fellow-beings is unquestionably among the most interesting. But not all the chapters of human history are alike important. The annals of our race have been filled up with incidents which concern not, or at least ought not to concern, the great company of mankind. History, as it has often been written, is the genealogy of princes, the field-book of conquerors; and the fortunes of our fellow-men have been treated only so far as they have been affected by the influence of the great masters and destroyers of our race. Such history is, I will not say a worthless study, for it is necessary for us to know the dark side as well as the bright side of our condition. But it is a melancholy study which fills the bosom of the philanthropist and the friend of liberty with sorrow.

But the history of Liberty,—the history of men struggling to be free,—the history of men who have acquired and are exercising their freedom,—the history of those great movements in the world, by which liberty has been established and perpetuated, forms a subject which we cannot contemplate too closely. This

is the real history of man, of the human family, of rational immortal beings.

This theme is one;—the free of all climes and nations are themselves a people. Their annals are the history of freedom. Those who fell victims to their principles in the civil convulsions of the short-lived republics of Greece, or who sunk beneath the power of her invading foes; those who shed their blood for liberty amidst the ruins of the Roman Republic; the victims of Austrian tyranny in Switzerland and of Spanish tyranny in the Netherlands; the solitary champions or the united bands of high-minded and patriotic men who have, in any region or age, struggled and suffered in this great cause, belong to that people of the free whose fortunes and progress are the most noble theme man can contemplate.

The theme belongs to us. We inhabit a country which has been signalized in the great history of freedom. We live under forms of government more favorable to its diffusion than any the world has elsewhere known. A succession of incidents, of rare curiosity, and almost mysterious connection, has marked out America as a great theatre of political reform. Many circumstances stand recorded in our annals, connected with the assertion of human rights, which, were we not familiar with them, would fill even our own minds with amazement.

The theme belongs to the day. We celebrate the return of the day on which our separate national existence was declared,—the day when the momentous experiment was commenced, by which the world, and posterity, and we ourselves were to be taught how far a nation of men can be trusted with self-government,—how far life, liberty, and property are safe, and the progress of social improvement is secure, under the influence of laws made by those who are to obey them,—the day when, for the first time in the world, a numerous people was ushered into the family of nations, organized on the principle of the political equality of all the citizens.

Let us then, fellow-citizens, devote the time which has been set apart for this portion of the duties of the day, to a hasty review of the history of Liberty, especially to a contemplation of some of those astonishing incidents which preceded, accompanied, or have followed the settlement of America, and the establishment of our constitutions, and which plainly indicate a general

tendency and co-operation of things towards the erection, in this country, of the great monitorial school of political freedom.

We hear much at school of the liberty of Greece and Rome — a great and complicated subject, which this is not the occasion to attempt to disentangle. True it is that we find, in the annals of both these nations, bright examples of public virtue,—the record of faithful friends of their country,—of strenuous foes of oppression at home or abroad,—and admirable precedents of popular strength. But we nowhere find in them the account of a populous and extensive region, blessed with institutions securing the enjoyment and transmission of regulated liberty. In freedom, as in most other things, the ancient nations, while they made surprisingly close approaches to the truth, yet, for want of some one great and essential principle or instrument, they came utterly short of it in practice. They had profound and elegant scholars; but, for want of the art of printing, they could not send information out among the people, where alone it is of great use in reference to human happiness. Some of them ventured boldly out to sea, and possessed an aptitude for foreign commerce; yet, for want of the mariner's compass, they could not navigate distant seas, but crept for ages along the shores of the Mediterranean. In respect to freedom, they established popular governments in single cities; but, for want of the representative principle, they could not extend these institutions over a large and populous country. But as a large and populous country, generally speaking, can alone possess strength enough for self-defense, this want was fatal. The freest of their cities accordingly fell a prey, sooner or later, either to a foreign invader or to domestic traitors.

In this way, liberty made no firm progress in the ancient States. It was a speculation of the philosopher, and an experiment of the patriot, but not an established state of society. The patriots of Greece and Rome had indeed succeeded in enlightening the public mind on one of the cardinal points of freedom — the necessity of an elected executive. The name and the office of a king were long esteemed not only something to be rejected, but something rude and uncivilized, belonging to savage nations, ignorant of the rights of man, as understood in cultivated states. The word "tyrant," which originally meant no more than monarch soon became with the Greeks synonymous with oppressor

and despot, as it has continued to be ever since. When the first Cæsar made his encroachments on the liberties of Rome, the patriots even of that age boasted that they had—

> «heard their fathers say,
> There was a Brutus once, that would have brooked
> The eternal devil, to keep his state in Rome,
> As easily as a king.»

So deeply rooted was this horror of the very name of king in the bosom of the Romans, that under their worst tyrants, and in the darkest days, the forms of the Republic were preserved. There was no name under Nero and Caligula for the office of monarch. The individual who filled the office was called Cæsar and Augustus, after the first and second of the line. The word «emperor» (imperator) implied no more than general. The offices of consul and tribune were kept up; although, if the choice did not fall, as it frequently did, on the emperor, it was conferred on his favorite general, and sometimes on his favorite horse. The Senate continued to meet, and affected to deliberate; and, in short, the Empire began and continued a pure military despotism, ingrafted, by a sort of permanent usurpation, on the forms and names of the ancient Republic. The spirit, indeed, of liberty had long since ceased to animate these ancient forms, and when the barbarous tribes of Central Asia and Northern Europe burst into the Roman Empire, they swept away the poor remnant of these forms, and established upon their ruins the system of feudal monarchy from which all modern kingdoms are descended. Efforts were made in the Middle Ages by the petty republics of Italy to regain the political rights which a long proscription had wrested from them. But the remedy of bloody civil wars between neighboring cities was plainly more disastrous than the disease of subjection. The struggles of freedom in these little States resulted much as they had done in Greece, exhibiting brilliant examples of individual character, and short intervals of public prosperity, but no permanent progress in the organization of liberal governments.

At length a new era seemed to begin. The art of printing was invented. The capture of Constantinople by the Turks drove the learned Greeks of that city into Italy, and letters revived. A general agitation of public sentiment in various parts of Eu-

rope ended in the religious Reformation. A spirit of adventure had been awakened in the maritime nations, projects of remote discovery were started, and the signs of the times seemed to augur a great political regeneration. But, as if to blast this hope in its bud; as if to counterbalance at once the operation of these springs of improvement; as if to secure the permanence of the arbitrary institutions which existed in every part of the continent, at the moment when it was most threatened, the last blow at the same time was given to the remaining power of the great barons, the sole check on the despotism of the monarch which the feudal system provided was removed, and a new institution was firmly established in Europe, prompt, efficient, and terrible in its operation beyond anything which the modern world had seen,— I mean the system of standing armies; in other words, a military force organized and paid to support the King on his throne and retain the people in their subjection.

From this moment, the fate of freedom in Europe was sealed. Something might be hoped from the amelioration of manners in softening down the more barbarous parts of political despotism, but nothing was to be expected in the form of liberal institutions, founded on principle.

The ancient and the modern forms of political servitude were thus combined. The Roman emperors, as I have hinted, maintained themselves simply by military force, in nominal accordance with the forms of the Republic. Their power (to speak in modern terms) was no part of the Constitution. The feudal sovereigns possessed a constitutional precedence in the State, which, after the diffusion of Christianity, they claimed by the grace of God; but their power, in point of fact, was circumscribed by that of their brother barons. With the firm establishment of standing armies was consummated a system of avowed despotism, paralyzing all expression of the popular will, existing by divine right, and unbalanced by any effectual check in the State. It needs but a glance at the state of Europe, in the beginning of the sixteenth century, to see, that, notwithstanding the revival and diffusion of letters, the progress of the Reformation, and the improvement of the manners, the tone of the people, in the most enlightened countries, was more abject than it had been since the days of the Cæsars. The state of England certainly compared favorably with that of any other part of Europe; but who can

patiently listen to the language with which Henry VIII. chides, and Elizabeth scolds the lords and commons of the Parliament of Great Britain?

All hope of liberty then seemed lost; in Europe all hope was lost. A disastrous turn had been given to the general movement of things; and in the disclosure of the fatal secret of standing armies, the future political servitude of man was apparently decided.

But a change is destined to come over the face of things, as romantic in its origin as it is wonderful in its progress. All is not lost; on the contrary, all is saved, at the moment when all seemed involved in ruin. Let me just allude to the incidents connected with this change, as they have lately been described by an accomplished countryman, now beyond the sea.

About half a league from the little seaport of Palos, in the province of Andalusia, in Spain, stands a convent dedicated to St. Mary. Some time in the year 1486, a poor, wayfaring stranger, accompanied by a small boy, makes his appearance on foot at the gate of this convent, and begs of the porter a little bread and water for his child. This friendless stranger is Columbus. Brought up in the hardy pursuit of a mariner,—occasionally serving in the fleets of his native country,—with the burden of fifty years upon his frame, the unprotected foreigner makes his suit to the sovereigns of Portugal and Spain. He tells them that the broad, flat earth on which we tread is round; and he proposes, with what seems a sacrilegious hand, to lift the veil which has hung from the creation of the world over the bounds of the ocean. He promises, by a western course, to reach the eastern shores of Asia, the region of gold, diamonds, and spices; to extend the sovereignty of Christian kings over realms and nations hitherto unapproached and unknown; and, ultimately, to perform a new crusade to the Holy Land, and ransom the sepulchre of our Savior with the new-found gold of the East.

Who shall believe the chimerical pretension? The learned men examine it and pronounce it futile. The royal pilots have ascertained by their own experience that it is groundless. The priesthood have considered it, and have pronounced that sentence, so terrific where the Inquisition reigns, that it is a wicked heresy. The common sense and popular feeling of men have been kindled into disdain and indignation towards a project,

which, by a strange, new chimera, represented one-half of mankind walking with their feet towards the other half.

Such is the reception which his proposal meets. For a long time, the great cause of humanity, depending on the discovery of this fair Continent, is involved in the fortitude, perseverance, and spirit of the solitary stranger, already past the time of life when the pulse of adventure beats full and high. If, sinking beneath the indifference of the great, the sneers of the wise, the enmity of the mass, and the persecution of a host of adversaries, high and low, he give up the thankless pursuit of his noble vision, what a hope for mankind is blasted! But he does not sink He shakes off his enemies, as the lion shakes the dewdrops from his mane. That consciousness of motive and of strength, which always supports the man who is worthy to be supported, sustains him in his hour of trial; and, at length, after years of expectation, importunity, and hope deferred, he launches forth upon the unknown deep, to discover a new world under the patronage of Ferdinand and Isabella.

The patronage of Ferdinand and Isabella! Let us dwell for a moment on the auspices under which our country was discovered. The patronage of Ferdinand and Isabella! Yes, doubtless, they have fitted out a convoy worthy the noble temper of the man and the grandeur of his project. Convinced at length that it is no daydream of a heated visionary, the fortunate sovereigns of Castile and Aragon, returning from their triumph over the last of the Moors, and putting a victorious close to a war of seven centuries' duration, have no doubt prepared an expedition of well-appointed magnificence to go out upon this splendid search for other worlds. They have made ready, no doubt, their proudest galleon to waft the heroic adventurer upon his path of glory, with a whole armada of kindred spirits to accompany him.

Alas! from his ancient resort of Palos,—which he first visited as a mendicant,—in three frail barks, of which two were without decks, the great discoverer of America sails forth on the first voyage across the unexplored ocean! Such is the patronage of kings! A few years pass by; he discovers a new hemisphere; the wildest of his visions fade into insignificance before the reality of their fulfillment; he finds a new world for Castile and Leon, and comes back to Spain loaded with chains. Republics, it is said, are ungrateful. Such are the rewards of monarchies!

With this humble instrumentality did it please Providence to prepare the theatre for those events by which a new dispensation of liberty was to be communicated to man. But much is yet to transpire before even the commencement can be made in the establishment of those institutions by which this great advance in human affairs was to be effected. The discovery of America had taken place under the auspices of the Government most disposed for maritime adventure, and best enabled to extend a helping arm, such as it was, to the enterprise of the great discoverer. But it was not from the same quarter that the elements of liberty could be introduced into the New World. Causes, upon which I need not dwell, made it impossible that the great political reform should go forth from Spain. For this object, a new train of incidents was preparing in another quarter.

The only real advance which modern Europe had made in freedom had been made in England. The cause of constitutional liberty in that country was persecuted, was subdued, but not annihilated, nor trampled out of being. From the choicest of its suffering champions were collected the brave band of emigrants who first went out on the second, the more precious voyage of discovery — the discovery of a land where liberty and its consequent blessings might be established.

A late English writer has permitted himself to say that the original establishment of the United States, and that of the colony of Botany Bay, were modeled nearly on the same plan. The meaning of this slanderous insinuation is that the United States was settled by deported convicts, as New South Wales has been settled by transported felons. It is doubtless true that at one period the English Government was in the habit of condemning to hard labor, as servants in the colonies, a portion of those who had received the sentence of the law. If this practice makes it proper to compare America with Botany Bay, the same comparison might be made of England herself, before the practice of transportation began, and even now, inasmuch as a considerable number of convicts are at all times retained at home. In one sense, indeed, we might doubt whether the allegation were more of a reproach or a compliment. During the time that the colonization of America was going on most rapidly, some of the best citizens of England, if it be any part of good citizenship to resist oppression, were immured in her prisons of state or lying at the mercy of the law.

Such were some of the convicts by whom America was settled — men convicted of fearing God more than they feared man; of sacrificing property, ease, and all the comforts of life, to a sense of duty and to the dictates of conscience; men convicted of pure lives, brave hearts, and simple manners. The enterprise was led by Raleigh, the chivalrous convict, who unfortunately believed that his royal master had the heart of a man, and would not let a sentence of death, which had slumbered for sixteen years, revive and take effect after so long an interval of employment and favor. But *nullum tempus occurrit regi.* The felons who followed next were the heroic and long-suffering church of Robinson, at Leyden,— Carver, Brewster, Bradford, Winslow, and their pious associates, convicted of worshiping God according to the dictates of their consciences, and of giving up all,— country, property, and the tombs of their fathers,— that they might do it unmolested. Not content with having driven the Puritans from her soil, England next enacted or put in force the oppressive laws which colonized Maryland with Catholics, and Pennsylvania with Quakers. Nor was it long before the American plantations were recruited by the Germans, convicted of inhabiting the Palatinate, when the merciless armies of Louis XIV. were turned into that devoted region, and by the Huguenots, convicted of holding what they deemed the simple truth of Christianity, when it pleased the mistress of Louis XIV. to be very zealous for the Catholic faith. These were followed, in the next century, by the Highlanders, convicted of the enormous crime, under a monarchical government, of loyalty to their hereditary prince on the plains of Culloden, and the Irish, convicted of supporting the rights of their country against what they deemed an oppressive external power. Such are the convicts by whom America was settled.

In this way, a fair representation of whatsoever was most valuable in European character — the resolute industry of one nation, the inventive skill and curious arts of another, the courage, conscience, principle, self-denial of all — was winnowed out, by the policy of the prevailing governments, as a precious seed wherewith to plant the American soil. By this singular coincidence of events, our country was constituted the great asylum of suffering virtue and oppressed humanity. It could now no longer be said,— as it was of the Roman Empire,— that mankind was shut up, as if in a vast prison house, from whence there was no

escape. The political and ecclesiastical oppressors of the world allowed their persecution to find a limit at the shores of the Atlantic. They scarcely ever attempted to pursue their victims beyond its protecting waters. It is plain that in this way alone the design of Providence could be accomplished, which provided for one catholic school of freedom in the Western Hemisphere. For it must not be a freedom of too sectional and peculiar a cast. On the stock of the English civilization, as the general basis, were to be ingrafted the language, the arts, and the tastes of the other civilized nations. A tie of consanguinity must connect the members of every family of Europe with some portion of our happy land; so that in all their trials and disasters they may look safely beyond the ocean for a refuge. The victims of power, of intolerance, of war, of disaster, in every other part of the world, must feel that they may find a kindred home within our limits. Kings, whom the perilous convulsions of the day have shaken from their thrones, must find a safe retreat; and the needy emigrant must at least not fail of his bread and water, were it only for the sake of the great discoverer, who was himself obliged to beg them. On this corner-stone the temple of our freedom was laid from the first,—

> "For here the exile met from every clime,
> And spoke in friendship every distant tongue;
> Men, from the blood of warring Europe sprung,
> Were here divided by the running brook."

This peculiarity of our population, which some have thought a misfortune, is in reality one of the happiest circumstances attending the settlement of the country. It assures the exile from every part of Europe a kind reception from men of his own tongue and race. Had we been the unmixed descendants of any one nation of Europe, we should have retained a moral and intellectual dependence on that nation, even after the dissolution of our political connection had taken place. It was sufficient for the great purpose in view, that the earliest settlements were made by men who had fought the battles of liberty in England, and who brought with them the rudiments of constitutional freedom to a region where no deep-rooted prescriptions would prevent their development. Instead of marring the symmetry of our social system, it is one of its most attractive and beautiful peculiarities, that, with the prominent qualities of the Anglo-Saxon

character inherited from our English fathers, we have an admixture of almost everything that is valuable in the character of most of the other States of Europe.

Such was the first preparation for the great political reform, of which America was to be the theatre. The Colonies of England — of a country where the supremacy of laws and the Constitution is best recognized — the North American Colonies — were protected from the first against the introduction of the unmitigated despotism which prevailed in the Spanish settlements, — the continuance of which, down to the moment of their late revolt, prevented the education of these provinces in the exercise of political rights, and in that way has thrown them into the revolution inexperienced and unprepared — victims, some of them, to a domestic anarchy scarcely less grievous than the foreign yoke they have thrown off. While, however, the settlers of America brought with them the principles and feelings, the political habits and temper, which defied the encroachment of arbitrary power, and made it necessary, when they were to be oppressed, that they should be oppressed under the forms of law, it was an unavoidable consequence of the state of things — a result, perhaps, of the very nature of a colonial government — that they should be thrown into a position of controversy with the mother country, and thus become familiar with the whole energetic doctrine and discipline of resistance. This formed and hardened the temper of the Colonists, and trained them up to a spirit meet for the struggles of separation.

On the other hand, by what I had almost called an accidental circumstance, but one which ought rather to be considered as a leading incident in the great train of events connected with the establishment of constitutional freedom in this country, it came to pass that nearly all the Colonies (founded as they were on the charters granted to corporate institutions in England, which had for their object the pursuit of the branches of industry and trade pertinent to a new plantation) adopted a regular representative system, by which, as in ordinary civil corporations, the affairs of the community are decided by the will and the voices of its members, or those authorized by them. It was no device of the parent government which gave us our colonial assemblies. It was no refinement of philosophical statesmen to which we are indebted for our republican institutions of government. They grew up, as it were, by accident, on the simple foundation I have

named. "A house of burgesses," says Hutchinson, "broke out in Virginia, in 1620"; and, "although there was no color for it in the charter of Massachusetts, a house of deputies appeared suddenly in 1634." "Lord Say," observes the same historian, "tempted the principal men of Massachusetts to make themselves and their heirs nobles and absolute governors of a new colony, but, under this plan, they could find no people to follow them."

At this early period, and in this simple, unpretending manner, was introduced to the world that greatest discovery in political science, or political practice, a representative republican system. "The discovery of the system of the representative republic," says M. de Chateaubriand, "is one of the greatest political events that ever occurred." But it is not one of the greatest, it is the very greatest, and, combined with another principle, to which I shall presently advert, and which is also the invention of the United States, it marks an era in human affairs — a discovery in the great science of social life, compared with which everything else that terminates in the temporal interests of man, sinks into insignificance.

Thus, then, was the foundation laid, and thus was the preparation commenced, of the world's grand political regeneration. For about a century and a half, this preparation was carried on. Without any of the temptations which drew the Spanish adventurers to Mexico and Peru, the Colonies throve almost beyond example, and in the face of neglect, contempt, and persecution. Their numbers, in the substantial, middle classes of life, increased with regular rapidity. They had no materials out of which an aristocracy could be formed, and no great eleemosynary establishments to cause an influx of paupers. There was nothing but the rewards of labor and the hope of freedom.

But at length this hope, never adequately satisfied, began to turn into doubt and despair. The Colonies had become too important to be overlooked; their government was a prerogative too important to be left in their own hands; and the legislation of the mother country decidedly assumed a form which announced to the patriots that the hour at length had come when the chains of the great discoverer were to be avenged, the sufferings of the first settlers to be compensated, and the long-deferred hopes of humanity to be fulfilled.

You need not, friends and fellow-citizens, that I should dwell upon the incidents of the last great acts in the colonial drama.

This very place was the scene of some of the earliest and the most memorable of them, and their recollection is a part of your inheritance of honor. In the early councils and first struggles of the great revolutionary enterprise, the citizens of this place were among the most prominent. The measures of resistance which were projected by the patriots of Charlestown were opposed by but one individual. An active co-operation existed between the political leaders in Boston and this place. The beacon light which was kindled in the towers of Christ Church in Boston, on the night of the eighteenth of April, 1775, was answered from the steeple of the church in which we are now assembled. The intrepid messenger who was sent forward to convey to Hancock and Adams the intelligence of the approach of the British troops was furnished with a horse, for his eventful errand, by a respected citizen of this place. At the close of the following momentous day, the British forces — the remnant of its disasters — found refuge, under the shades of night, upon the heights of Charlestown; and there, on the ever-memorable seventeenth of June, that great and costly sacrifice in the cause of freedom was consummated with fire and blood. Your hilltops were strewed with illustrious dead; your homes were wrapped in flames; the fair fruits of a century and a half of civilized culture were reduced to a heap of bloody ashes, and two thousand men, women, and children turned houseless on the world. With the exception of the ravages of the nineteenth of April, the chalice of woe and desolation was in this manner first presented to the lips of the citizens of Charlestown. Thus devoted, as it were, to the cause, it is no wonder that the spirit of the Revolution should have taken possession of their bosoms, and been transmitted to their children. The American, who, in any part of the Union, could forget the scenes and the principles of the Revolution, would thereby prove himself unworthy of the blessings which he enjoys; but the citizen of Charlestown, who could be cold on this momentous theme, must hear a voice of reproach from the walls which were reared on the ashes of the seventeenth of June — a piercing cry from the very sods of yonder hill.

The Revolution was at length accomplished. The political separation of the country of Great Britain was effected, and it now remained to organize the liberty which had been reaped on bloody fields — to establish, in the place of the Government whose yoke had been thrown off, a Government at home, which should

fulfill the great design of the Revolution and satisfy the demands of the friends of liberty at large. What manifold perils awaited the step! The danger was great that too little or too much would be done. Smarting under the oppressions of a distant Government, whose spirit was alien to their feelings, there was great danger that the Colonies in the act of declaring themselves sovereign and independent States, would push to an extreme the prerogative of their separate independence, and refuse to admit any authority beyond the limits of each particular Commonwealth. On the other hand, achieving their independence under the banners of the Continental Army, ascribing, and justly, a large portion of their success to the personal qualities of the beloved Father of his Country, there was danger not less imminent, that those who perceived the evils of the opposite extreme, would be disposed to confer too much strength on one General Government, and would, perhaps, even fancy the necessity of investing the hero of the Revolution, in form, with that sovereign power which his personal ascendency gave him in the hearts of his countrymen. Such and so critical was the alternative which the organization of the new Government presented, and on the successful issue of which the entire benefit of this great movement in human affairs was to depend.

The first effort to solve the great problem was made in the course of the Revolution, and was without success. The Articles of Confederation verged to the extreme of a union too weak for its great purposes; and the moment the pressure of this war was withdrawn, the inadequacy of this first project of a Government was felt. The United States found themselves overwhelmed with debt, without the means of paying it. Rich in the materials of an extensive commerce, they found their ports crowded with foreign ships, and themselves without the power to raise a revenue. Abounding in all the elements of national wealth, they wanted resources to defray the ordinary expenses of government.

For a moment, and to the hasty observer, this last effort for the establishment of freedom had failed. No fruit had sprung from this lavish expenditure of treasure and blood. We had changed the powerful protection of the mother country into a cold and jealous amity, if not into a slumbering hostility. The oppressive principles against which our fathers had struggled were succeeded by more oppressive realities. The burden of the

British Navigation Act, as it operated on the Colonies, was removed, but it was followed by the impossibility of protecting our shipping by a Navigation Act of our own. A state of material prosperity, existing before the Revolution, was succeeded by universal exhaustion; and a high and indignant tone of militant patriotism, by universal despondency.

It remained, then, to give its last great effort to all that had been done since the discovery of America for the establishment of the cause of liberty in the Western Hemisphere, and by another more deliberate effort to organize a Government by which not only the present evils under which the country was suffering should be remedied, but the final design of Providence should be fulfilled. Such was the task that devolved on the statesmen who convened at Philadelphia on the second day of May, 1787, in the Assembly of which General Washington was elected president, and over whose debates your townsman, Mr. Gorham, presided for two or three months as chairman of the Committee of the Whole, during the discussion of the plan of the Federal Constitution.

The very first step to be taken was one of pain and regret. The old Confederation was to be given up. What misgivings and grief must not this preliminary sacrifice have occasioned to the patriotic members of the convention! They were attached, and with reason, to its simple majesty. It was weak then, but it had been strong enough to carry the Colonies through the storms of the Revolution. Some of the great men who led up the forlorn hope of their country in the hour of her direst peril, had died in its defense. Could not a little inefficiency be pardoned to a Union with which France had made an alliance, and England had made peace? Could the proposed new Government do more or better things than this had done? Who could give assurance, when the flag of the Old Thirteen was struck, that the hearts of the people could be rallied to another banner?

Such were the misgivings of some of the great men of that day — the Henrys, the Gerrys, and other eminent anti-federalists, to whose scruples it is time that justice should be done. They were the sagacious misgivings of wise men, the just forebodings of brave men, who were determined not to defraud posterity of the blessings for which they had all suffered, and for which some of them had fought.

The members of that convention, in going about the great work before them, deliberately laid aside the means by which all preceding legislators had aimed to accomplish a like work. In founding a strong and efficient Government, adequate to the raising up of a powerful and prosperous people, their first step was to reject the institutions in which other governments traced their strength and prosperity, or had, at least, regarded as the necessary conditions of stability and order. The world had settled down into the belief that an hereditary monarch was necessary to give strength to the executive power. The framers of our Constitution provided for an elective Chief Magistrate, chosen every four years. Every other country had been betrayed into the admission of a distinction of ranks in society, under the absurd impression that privileged orders are necessary to the permanence of the social system. The framers of our Constitution established everything on the purely natural basis of a uniform equality of the elective franchise, to be exercised by all the citizens at fixed and short intervals. In other countries it had been thought necessary to constitute some one political centre, towards which all political power should tend, and at which, in the last resort, it should be exercised. The framers of the Constitution devised a scheme of confederate and representative sovereign republics, united in a happy distribution of powers, which, reserving to the separate States all the political functions essential to local administrations and private justice, bestowed upon the General Government those, and those only, required for the service of the whole.

Thus was completed the great revolutionary movement; thus was perfected that mature organization of a free system, destined, as we trust, to stand forever, as the exemplar of popular government. Thus was discharged the duty of our fathers to themselves, to the country, and to the world.

The power of the example thus set up, in the eyes of the nations, was instantly and widely felt. It was immediately made visible to sagacious observers that a constitutional age had begun. It was in the nature of things, that, where the former evil existed in its most inveterate form, the reaction should also be the most violent. Hence, the dreadful excesses that marked the progress of the French Revolution, and, for a while, almost made the name of liberty odious. But it is not less in the nature of things, that, when the most indisputable and enviable

political blessings stand illustrated before the world,—not merely in speculation and in theory, but in living practice and bright example,—the nations of the earth, in proportion as they have eyes to see, and ears to hear, and hands to grasp, should insist on imitating the example. France clung to the hope of constitutional liberty through thirty years of appalling tribulation, and now enjoys the freest constitution in Europe. Spain, Portugal, the two Italian kingdoms, and several of the German States, have entered on the same path. Their progress has been and must be various, modified by circumstances, by the interests and passions of governments and men, and, in some cases, seemingly arrested. But their march is as sure as fate. If we believe at all in the political revival of Europe, there can be no really retrograde movement in this cause; and that which seems so in the revolutions of government, is, like that of the heavenly bodies, a part of their eternal orbit.

There can be no retreat, for the great exemplar must stand, to convince the hesitating nations, under every reverse, that the reform they strive at is real, is practicable, is within their reach. Efforts at reform, by the power of action and reaction, may fluctuate; but there is an element of popular strength abroad in the world, stronger than forms and institutions, and daily growing in power. A public opinion of a new kind has arisen among men—the opinion of the civilized world. Springing into existence on the shores of our own continent, it has grown with our growth and strengthened with our strength, till now, this moral giant, like that of the ancient poet, marches along the earth and across the ocean, but his front is among the stars. The course of the day does not weary, nor the darkness of the night arrest him. He grasps the pillars of the temple where Oppression sits enthroned, not groping and benighted, like the strong man of old, to be crushed, himself, beneath the fall, but trampling, in his strength, on the massy ruins.

Under the influence, I might almost say the unaided influence, of public opinion, formed and nourished by our example, three wonderful revolutions have broken out in a generation. That of France, not yet consummated, has left that country (which it found in a condition scarcely better than Turkey) in the possession of the blessings of a representative constitutional government. Another revolution has emancipated the American possessions of Spain, by an almost unassisted action of moral

causes. Nothing but the strong sense of the age, that a government like that of Ferdinand ought not to subsist over regions like those which stretch to the South of us on the continent, could have sufficed to bring about their emancipation, against all the obstacles which the state of society among them opposes at present to regulated liberty and safe independence. When an eminent British statesman [Mr. Canning] said of the emancipation of these States, that "he had called into existence a new world in the west," he spoke as wisely as the artist who, having tipped the forks of a conductor with silver, should boast that he had created the lightning, which it calls down from the clouds. But the greatest triumph of public opinion is the revolution of Greece. The spontaneous sense of the friends of liberty, at home and abroad,—without armies, without navies, without concert, and acting only through the simple channels of ordinary communication, principally the press,—has rallied the governments of Europe to this ancient and favored soil of freedom. Pledged to remain at peace, they have been driven by the force of public sentiment into the war. Leagued against the cause of revolution, as such, they have been compelled to send their armies and navies to fight the battles of revolt. Dignifying the barbarous oppressor of Christian Greece with the title of "ancient and faithful ally," they have been constrained, by the outraged feelings of the civilized world, to burn up, in time of peace, the navy of their ally, with all his antiquity and all his fidelity; and to cast the broad shield of the Holy Alliance over a young and turbulent republic.

This bright prospect may be clouded in; the powers of Europe, which have reluctantly taken, may speedily abandon the field. Some inglorious composition may yet save the Ottoman Empire from dissolution, at the sacrifice of the liberty of Greece, and the power of Europe. But such are not the indications of things. The prospect is fair that the political regeneration, which commenced in the West, is now going backward to resuscitate the once happy and long-deserted regions of the older world. The hope is not now chimerical, that those lovely islands, the flower of the Levant,—the shores of that renowned sea, around which all the associations of antiquity are concentrated,—are again to be brought back to the sway of civilization and Christianity. Happily, the interest of the great powers of Europe

seems to beckon them onward in the path of humanity. The half-deserted coasts of Syria and Egypt, the fertile but almost desolated archipelago, the empty shores of Africa, the granary of ancient Rome, seem to offer themselves as a ready refuge for the crowded, starving, discontented millions of Western Europe. No natural nor political obstacle opposes itself to their occupation. France has long cast a wishful eye on Egypt. Napoleon derived the idea of his expedition, which was set down to the unchastened ambition of a revolutionary soldier, from a memoir found in the cabinet of Louis XIV. England has already laid her hand — an arbitrary, but a civilized and a Christian hand — on Malta; and the Ionian Isles, and Cyprus, Rhodes, and Claudia must soon follow. It is not beyond the reach of hope, that a representative republic may be established in Central Greece and the adjacent islands. In this way, and with the example of what has been done, it is not too much to anticipate that many generations will not pass, before the same benignant influence will revisit the awakened East, and thus fulfill, in the happiest sense, the vision of Columbus, by restoring a civilized population to the primitive seats of our holy faith.

Fellow-citizens, the eventful pages in the volume of human fortune are opening upon us with sublime rapidity of succession. It is two hundred years this summer since a few of that party who, in 1628, commenced in Salem the first settlement of Massachusetts, were sent by Governor Endicott to explore the spot where we stand. They found that one pioneer of the name of Walford had gone before them, and had planted himself among the numerous and warlike savages in this quarter. From them, the native lords of the soil, these first hardy adventurers derived their title to the lands on which they settled, and, in some degree, prepared the way by the arts of civilization and peace; for the main body of the Colonists of Massachusetts came under Governor Winthrop, who, two years afterward, by a coincidence which you will think worth naming, arrived in Mystic River, and pitched his patriarchal tent on Ten Hills, upon the seventeenth day of June, 1630. Massachusetts at that moment consisted of six huts at Salem and one at this place. It seems but a span of time as the mind ranges over it. A venerable individual is living, at the seat of the first settlement, whose life covers one-half of the entire period; but what a destiny has been

unfolded before our country! what events have crowded your annals! what scenes of thrilling interest and eternal glory have signalized the very spot where we stand!

In that unceasing march of things, which calls forward the successive generations of men to perform their part on the stage of life, we at length are summoned to appear. Our fathers have passed their hour of visitation,—how worthily, let the growth and prosperity of our happy land and the security of our firesides attest. Or, if this appeal be too weak to move us, let the eloquent silence of yonder famous heights—let the column which is there rising in simple majesty—recall their venerable forms, as they toiled in the hasty trenches through the dreary watches of that night of expectation, heaving up the sods, where many of them lay in peace and honor before the following sun had set. The turn has come to us. The trial of adversity was theirs; the trial of prosperity is ours. Let us meet it as men who know their duty and prize their blessings. Our position is the most enviable, the most responsible, which men can fill. If this generation does its duty, the cause of constitutional freedom is safe. If we fail—if we fail, not only do we defraud our children of the inheritance which we received from our fathers, but we blast the hopes of the friends of liberty throughout our continent, throughout Europe, throughout the world, to the end of time.

History is not without her examples of hard-fought fields, where the banner of liberty has floated triumphantly on the wildest storm of battle. She is without her examples of a people by whom the dear-bought treasure has been wisely employed and safely handed down. The eyes of the world are turned for that example to us. It is related by an ancient historian, of that Brutus who slew Cæsar, that he threw himself on his sword, after the disastrous battle of Philippi, with the bitter exclamation, that he had followed virtue as a substance, but found it a name. It is not too much to say, that there are, at this moment, noble spirits in the elder world, who are anxiously watching the practical operation of our institutions, to learn whether liberty, as they have been told, is a mockery, a pretense, a curse,—or a blessing, for which it became them to brave the scaffold and the scimiter.

Let us then, as we assemble on the birthday of the nation, as we gather upon the green turf, once wet with precious blood—let us devote ourselves to the sacred cause of Constitutional Lib-

erty! Let us abjure the interests and passions which divide the great family of American freemen! Let the rage of party spirit sleep to-day! Let us resolve that our children shall have cause to bless the memory of their fathers, as we have cause to bless the memory of ours!

THE MORAL FORCES WHICH MAKE AMERICAN PROGRESS

(Peroration of the Speech of March 21st, 1853, on the Clayton-Bulwer Treaty)

I CORDIALLY sympathize with the distinguished Senator from Illinois in the glowing views that he entertains of the future growth and glory of our country. I wish I could persuade him that this glorious future of America is not inconsistent with an equally auspicious future for the friendly powers of Europe. I wish I could persuade him that that part of the world is not exclusively the region of tombs and monuments that he so graphically described, but that in every country in Europe, more in some than in others, but visibly in all, there is progress; that liberal ideas are at work; that popular institutions and influences are steadily forming themselves; that the melioration of the laboring classes is going on; that education and social comforts are making their way there. It is true — I beg the gentleman to believe me, it is true; and nothing will promote this favorable state of things more than the kindly sympathy and a salutary example on the part of this country. And I will also say that there is no country in Europe that I have ever visited, whatever temporary causes of irritation may have existed with this government or that government — there is not a country of Europe where the name and character of an American citizen is not a direct passport to every good office that a stranger can desire, and nowhere more than in England.

Sir, in our views of the glorious future that awaits the Union, we are apt to regard geographical extension as the measure and the index of our country's progress. I do not deny the general correctness of that impression. It is necessary for the formation of the highest type of national character that it should be formed and exhibited upon a grand and extensive scale. It cannot be developed within the bounds of a petty State. Nor do I admit that this idea of geographical extension necessarily carries with it — though it does perhaps by natural association — that of colli-

sion with other powers. But, sir, I think there is no fear, so far as geographical extension is necessary, but that we shall, in the natural progress of things, have as much of it, and as rapidly as the best interests of the country admit or require. In the meantime, if we wish a real, solid, substantial growth,—a growth which will not bring us in collision with foreign powers,—we shall have it in twenty-five years to our hearts' content not by the geographical accession of dead acres, not by the purchase of Cuba or by the partition of Mexico, but by the simple, peaceful increase of our population.

Sir, have you well considered that that mysterious law which was promulgated on the sixth day of the Creation: "Be fruitful and multiply and replenish the earth," will, in twenty-five years of peace and union,—for it is all wrapped up in that,—aided by the foreign immigration, give us another America of living men as large as that which we now possess? Yes, sir, as far as living men are concerned, besides replacing the millions which will have passed off the stage, it will give us all that the arm of Omnipotence could give us, if it should call up from the depths of the Pacific and join to the Union another America as populous as ours. If, by any stroke of power or policy, you could to-morrow extend your jurisdiction from Hudson's Bay to Cape Horn, and take in every state and every government, and all their population, it would not give to you a greater amount of population, including your own, than you will have at the end of twenty-five years by the simple law of increase aided by immigration from abroad.

I shall not live to see it. My children probably will. The Senator from Illinois, in all human probability, will live to see it, and there is, perhaps, no one more likely than he to impress his views of public policy upon the mind of those growing millions, and to receive from them in return all the honors and trusts which a grateful people can bestow upon those they respect and love. Let me adjure him, then, to follow the generous impulses of his nature, and after giving, like a true patriot, his first affections to his own country, to be willing to comprehend all the other friendly countries of the earth within the scope of a liberal consideration, and, above all, to cultivate the spirit and arts of peace—of peace.

Sir, it is the opposite spirit of military aggrandizement, the spirit of conquest that has forged those chains in Europe, which

the Senator so eloquently deplores. It was this that brought down Asia to the dust in the morning of the world, and has kept her seated in sackcloth and ashes ever since. This blasted Greece; this destroyed Rome. It was not a foreign enemy that laid the ax to the root of Rome's freedom; it was her own proconsuls coming home from the successful wars of Asia, gorged with the gold of conquered provinces. The spirit of military aggrandizement and conquest has done the same for Europe. Will they not do it here, if we indulge them? Do not let the Senator think that I suspect he wishes to indulge them; but will they not do it? Will they not give us vast standing armies, overshadowing navies, colossal military establishments, frightful expenditures, contracts, jobs, corruption which it sickens the heart to contemplate? And how can our simple republican institutions, our elective magistracies, our annual or biennial choice of those who are to rule over us, unsupported by hereditary claims or pretorian guards, be carried on under such influences?

Do not mistake me, however, sir. I counsel no pusillanimous doctrine of nonresistance. Heaven forbid! Providence has placed us between the two great world oceans, and we shall always be a maritime power of the first order. Our commerce already visits every sea, and wherever it floats it must be protected. Our immense inland frontier will always require a considerable army, and it should be kept in the highest state of discipline. The schools at Annapolis and West Point ought to be the foster children of our Republic. Our arsenals and our armories ought to be kept filled with every weapon and munition of war, and every vulnerable point on the coast ought to be fortified. But while we act on the maxim, "In peace prepare for war," let us also remember that the best preparation for war is peace. This swells your numbers; this augments your means; this knits the sinews of your strength; this covers you all over with a panoply of might; and then, if war must come in a just cause, no power on earth — no, sir, not all combined — can send forth an adversary from whose encounter you need shrink.

But give us these twenty-five years of peace. I do believe that the coming quarter of a century is to be the most important in our whole history, and I do beseech you, let us have the twenty-five years, at least, of peace. Let our fertile wastes be filled up with swarming millions; let the tide of immigration continue to flow in from Europe; let the steamer, let the canal

let the railway, especially the Great Pacific Railway, subdue these mighty distances, and bring this vast extension into a span; let us pay back the ingots of California gold with bars of Atlantic iron; let agriculture clothe our vast wastes with waving plenty; let the industrial and mechanic arts erect their peaceful fortresses at the waterfalls of our rivers; and then, in the train of this growing population, let the printing office, the lecture room, the school room, and the village church be scattered over the country; and, sir, in these twenty-five years, we shall exhibit a spectacle of national prosperity, such as the world has never seen on so large a scale, and yet within the reach of a sober, practical contemplation.

ON UNIVERSAL AND UNCOERCED CO-OPERATION

(From His Lecture, 'The Working Men's Party')

MAN is not only a working being, but he is a being formed to work in society; and if the matter be carefully analyzed, it will be found that civilization, that is, the bringing men out of a savage into a cultivated state, consists in multiplying the number of pursuits and occupations; so that the most perfect society is one where the largest number of persons are prosperously employed in the greatest variety of ways. In such a society men help each other, instead of standing in each other's way. The further this division of labor is carried, the more persons must unite, harmoniously, to effect the common ends. The larger the number on which each depends, the larger the number to which each is useful.

This union of different kinds of workmen in one harmonious society seems to be laid in the very structure and organization of man. Man is a being consisting of a body and a soul. These words are soon uttered, and they are so often uttered that the mighty truth which is embraced in them scarcely ever engages our attention. But man is composed of body and soul. What is body? It is material substance; it is clay, dust, ashes. Look at it as you tread it unorganized beneath your feet; contemplate it when, after having been organized and animated, it is, by a process of corruption, returning to its original state. Matter, in its appearance to us, is an unorganized, inanimate, cold, dull, and

barren thing. What it is in its essence no one but the Being who created it knows. The human mind can conceive of it only as the absolute negation of qualities. And we say that the body of man is formed of the clay or dust, because these substances seem to us to make the nearest approach to the total privation of all the properties of intellect. Such is the body of man. What is his soul? Its essence is as little known to us as that of the body; but its qualities are angelic, divine. It is the soul which thinks, reasons, invents, remembers, hopes, and loves. It is the soul which lives; for, when the soul departs from the body, all its vital powers cease; and it is dead—and what is the body then?

Now the fact to which I wish to call your attention is that these two elements, one of which is akin to the poorest dust on which we tread, and the other of which is of the nature of angelic and even of divine intelligence, are, in every human being without exception, brought into a most intimate and perfect union. We can conceive that it might have been different. God could have created matter by itself, and mind by itself. We believe in the existence of incorporeal beings, of a nature higher than man, and we behold beneath us, in brutes, plants, and stones, various orders of material nature, rising, one above another, in organization; but none of them (as we suppose) possessing mind. We can imagine a world so constituted that all the intellect would have been by itself, pure and disembodied, and all the material substance by itself, unmixed with mind; and acted upon by mind, as inferior beings are supposed to be acted upon by angels. But, in constituting our race, it pleased the Creator to bring the two elements into the closest union; to take the body from the dust, the soul from the highest heaven, and mold them into one.

The consequence is that the humblest laborer, who works with his hands, possesses within him a soul endowed with precisely the same faculties as those which in Franklin, in Newton, or Shakespeare, have been the light and the wonder of the world; and, on the other hand, the most gifted and ethereal genius, whose mind has fathomed the depths of the heavens, and comprehended the whole circle of truth, is inclosed in a body subject to the same passions, infirmities, and wants as the man whose life knows no alternation but labor and rest, appetite and indulgence.

Did it stop here it would be merely an astonishing fact in the constitution of our natures — but it does not stop here. In consequence of the union of the two principles in the human frame, every act that a man performs requires the agency both of body and mind. His mind cannot see but through the optic eyeglass; nor hear till the drum of his ear is affected by the vibrations of the air. If he would speak, he puts in action the complex machinery of the vocal organs; if he writes, he employs the muscular system of the hands; nor can he even perform the operations of pure thought except in a healthy state of the body. A fit of the toothache, proceeding from the irritation of a nerve about as big as a cambric thread, is enough to drive an understanding capable of instructing the world to the verge of insanity. On the other hand, there is no operation of manual labor so simple, so mechanical, which does not require the exercise of perception, reflection, memory, and judgment: the same intellectual powers by which the highest truths of science have been discovered and illustrated.

The degree to which any particular action (or series of actions united into a pursuit) shall exercise the intellectual powers on the one hand, or the mechanical powers on the other, of course depends on the nature of that action. The slave, whose life, from childhood to the grave, is passed in the field; the New Zealander, who goes to war when he is hungry, devours his prisoners, and leads a life of cannibal debauch, till he has consumed them all, and then goes to war again; the Greenlander, who warms himself with the fragments of wrecks and driftwood thrown upon the glaciers, and feeds himself with blubber, seem all to lead lives requiring but little intellectual action; and yet, as I have remarked, a careful reflection would show that there is not one, even of them, who does not, every moment of his life, call into exercise, though in a humble degree, all the powers of the mind. In like manner the philosopher who shuts himself up in his cell, and leads a contemplative existence among books or instruments of science, seems to have no occasion to employ, in their ordinary exercise, many of the capacities of his nature for physical action; — although he also, as I have observed, cannot act, or even think, but with the aid of his body.

This is unquestionably true. The same Creator who made man a mixed being, composed of body and soul, having designed him for such a world as that in which we live, has so constituted

the world, and man who inhabits it, as to afford scope for a great variety of occupations, pursuits, and conditions, arising from the tastes, characters, habits, virtues, and even vices of men and communities. For the same reason, that though all men are alike composed of body and soul, yet no two men probably are exactly the same in respect to either — so provision has been made by the Author of our being for an infinity of pursuits and employments, calling out, in degrees as various, the peculiar powers of both principles.

But I have already endeavored to show that there is no pursuit and no action that does not require the united operation of both; and this of itself is a broad, natural foundation for the union into one interest of all, in the same community, who are employed in honest work of any kind, namely, that however various their occupations, they are all working with the same instruments — the organs of the body and the powers of the mind.

But we may go a step further, to remark the beautiful process by which Providence has so interlaced and wrought up together the pursuits, interests, and wants of our nature, that the philosopher, whose home seems less on earth than among the stars, requires, for the prosecution of his studies, the aid of numerous artifices in various branches of mechanical industry, and in return furnishes the most important facilities to the humblest branches of manual labor. Let us take, as a single instance, that of astronomical science. It may be safely said that the wonderful discoveries of modern astronomy, and the philosophical system depending upon them, could not have existed but for the telescope. The want of the telescope kept astronomical science in its infancy among the ancients. Although Pythagoras, one of the earliest Greek philosophers, by a fortunate exercise of sagacity, conceived the elements of the Copernican system, yet we find no general and practical improvement resulting from it. It was only from the period of the discoveries made by the telescope that the science advanced with sure and rapid progress. Now, the astronomer does not make telescopes. I presume it would be impossible for a person who is employed in the abstract study of astronomical science to find time enough to comprehend its profound investigations, and to learn and practice the trade of making glass. It is mentioned as a remarkable versatility of talent in one or two eminent observers that they have superintended the cutting and polishing of the glasses of their

own telescopes. But I presume, if there never had been a telescope till some scientific astronomer had learned to mix, melt, and mold glass, such a thing would never have been heard of. It is not less true that those employed in making the glass could not, in the nature of things, be expected to acquire the scientific knowledge requisite for carrying on those arduous calculations applied to bring into a system the discoveries made by the magnifying power of the telescope. I might extend the same remark to the other materials of which a telescope consists. It cannot be used for any purpose of nice observation without being very carefully mounted on a frame of strong metal, which demands the united labors of the mathematical instrument-maker and the brass-founder. Here, then, in taking but one single step out of the philosopher's observatory, we find he needs an instrument to be produced by the united labors of the mathematical instrument-maker, the brass-founder, the glass-polisher, and the maker of the glass,—four trades. He must also have an astronomical clock, and it would be easy to count up half a dozen trades which directly or indirectly are connected in making a clock. But let us go back to the object-glass of the telescope. A glass factory requires a building and furnaces. The man who makes the glass does not make the building. But the stone and brick mason, the carpenter and the blacksmith, must furnish the greater part of the labor and skill required to construct the building. When it is built, a large quantity of fuel, wood, and wood-coal or mineral coal of various kinds, or all together, must be provided; and then the materials of which the glass is made, and with which it is colored, some of which are furnished by commerce from different and distant regions, and must be brought in ships across the sea. We cannot take up any one of these trades without immediately finding that it connects itself with numerous others. Take, for instance, the mason who builds the furnace. He does not make his own bricks, nor burn his own lime; in common cases the bricks come from one place, the lime from another, the sand from another. The brick-maker does not cut down his own wood. It is carted or brought in boats to his yard. The man who carts it does not make his own wagon; nor does the person who brings it in boats build his own boat. The man who makes the wagon does not make the tire. The blacksmith who makes the tire does not smelt the ore; and the forgeman who smelts the ore does not build his own furnace (and

there we get back to the point whence we started), nor dig his own mine. The man who digs the mine does not make the pickax with which he digs it, nor the pump with which he keeps out the water. The man who makes the pump did not discover the principle of atmospheric pressure, which led to pump-making: that was done by a mathematician at Florence, experimenting in his chamber on a glass tube. And here we come back again to our glass, and to an instance of the close connection of scientific research with practical art. It is plain that this enumeration might be pursued till every art and every science were shown to run into every other. No one can doubt this who will go over the subject in his own mind, beginning with any one of the processes of mining and working metals, of shipbuilding, and navigation, and the other branches of art and industry pursued in civilized communities.

If, then, on the one hand, the astronomer depends for his telescope on the ultimate product of so many arts; in return, his observations are the basis of an astronomical system, and of calculations of the movements of the heavenly bodies, which furnish the mariner with his best guide across the ocean. The prudent shipmaster would no more think of sailing for India without his Bowditch's 'Practical Navigator' than he would without his compass; and this navigator contains tables drawn from the highest walks of astronomical science. Every first mate of a vessel, who works a lunar observation to ascertain the ship's longitude, employs tables in which the most wonderful discoveries and calculations of La Place, and Newton, and Bowditch are interwoven.

I mention this as but one of the cases in which astronomical science promotes the service and convenience of common life; and, perhaps, when we consider the degree to which the modern extension of navigation connects itself with industry in all its branches, this may be thought sufficient. I will only add that the cheap convenience of an almanac, which enters into the comforts of every fireside in the country, could not be enjoyed, but for the labors and studies of the profoundest philosophers. Not that great learning or talent is now required to execute the astronomical calculations of an almanac, although no inconsiderable share of each is needed for this purpose; but because even to perform these calculations requires the aid of tables which have been gradually formed on the basis of the profoundest

investigations of the long line of philosophers, who have devoted themselves to this branch of science. For, as we observed on the mechanical side of the illustration, it was not one trade alone which was required to furnish the philosopher with his instrument, but a great variety; so, on the other hand, it is not the philosopher in one department who creates a science out of nothing. The observing astronomer furnishes materials to the calculating astronomer, and the calculator derives methods from the pure mathematician, and a long succession of each for ages must unite their labors in a great result. Without the geometry of the Greeks, and the algebra of the Arabs, the infinitesimal analysis of Newton and Leibnitz would never have been invented.

Examples and illustrations equally instructive might be found in every other branch of industry. The man who will go into a cotton-mill, and contemplate it from the great water wheel that gives the first movement (and still more from the steam engine, should that be the moving power), who will observe the parts of the machinery, and the various processes of the fabric, till he reaches the hydraulic press with which it is made into a bale, and the canal or railroad by which it is sent to market, may find every branch of trade, and every department of science, literally crossed, intertwined, interwoven, with every other, like the woof and the warp of the article manufactured. Not a little of the spinning machinery is constructed on principles drawn from the demonstrations of transcendental mathematics; and the processes of bleaching and dyeing now practiced are the results of the most profound researches of modern chemistry. And, if this does not satisfy the inquirer, let him trace the cotton to the plantation where it grew, in Georgia or Alabama; the indigo to Bengal; the oil to the olive gardens of Italy, or the fishing-grounds of the Pacific Ocean; let him consider the cotton gin, the carding machine, the power loom, and the spinning apparatus, and all the arts, trades, and sciences directly or indirectly connected with these, and I believe he will soon agree that one might start from a yard of coarse printed cotton, which costs ten cents, and prove out of it, as out of a text, that every art and science under heaven had been concerned in its fabric.

LUCIUS, LORD FALKLAND

(1610–1643)

IN 1636, when Sir John Finch was Chief-Justice of the English Court of Common Pleas, he and other judges of the high courts of the realm received from King Charles I. this question — most momentous in its results, involving, as it did, the loss of the King's head: "When the good and safety of the kingdom are concerned, whether may not the King, by writ, under the Great Seal of England, command all the subjects in his kingdom at their charge, to provide and furnish such number of ships with men, victuals, and munitions, and for such time as he shall think fit for the defense and safeguard of the kingdom from such danger and peril, and by law compel the doing thereof in case of refusal or refractoriness. And whether in such case is not the King sole judge of the danger and of when and how the same is to be prevented and avoided."

Thus was presented the question of "Ship-Money," involving that of the King's absolutism. The judges answered that the King was "in such case sole judge of the danger and when and how the same is to be prevented and avoided," and that he might lay such taxes at his pleasure, punishing those who should refuse to pay them. It was on such advice that Hampden, denying the right of the King to tax the people without their consent, expressed by act of Parliament, was prosecuted for refusing to pay his "Ship-Money." When the conduct of the judges in giving the King their extrajudicial sanction was discovered in Parliament, it was determined to impeach them, and, accordingly, on December 5th, 1640, Lord Falkland made his speech against Finch. When actually impeached by the Commons, Finch, who had been promoted to Lord Keeper by the King, went to Holland. Falkland himself afterwards changed sides, abandoning Parliament for the King, in whose service he fell at Newbury, September 20th, 1643. He was educated at Trinity College, Dublin (his father being Lord Deputy of Ireland), and, as Sir Lucius Cary, was the friend of Ben Jonson and Suckling. One of his modern biographers says that when he entered Parliament in 1640, "he quickly assumed prominence on the side of the King," but it is evident from the testimony of his contemporaries and his own speeches that in the great question at issue he was strongly against the King's position. One of his contemporaries calls him "Lord Falkland, that excellent

man, one of the wonders of his age, who afterwards made a dear atonement for his mistakes by losing his life in his Majesty's service." After leaving Parliament, he became one of the King's Secretaries of State and an active opponent of the popular cause.

SHIP-MONEY — IMPEACHING LORD KEEPER FINCH

(Delivered in Parliament, December 5th, 1640)

Mr. Speaker: —

I REJOICE very much to see this day; and the want hath not lain in my affections, but my lungs, if to all that hath been past I have not been as loud with my voice as any man in the House; yet truly my opinion is, we have yet done nothing if we do no more; I shall add what I humbly conceive ought to be added, as soon as I have said something with reference to him that says it.

I will first desire the forgiveness of the House, if aught I say seem to intrench upon another profession and enter upon the work of another robe. Since I have been intrusted by the report of a learned committee, and confirmed by the uncontradicted rule of the House; since I shall say nothing of this kind but in order to something further, which moves me most to venture my opinion, and to expect your pardon; since I am confident that history alone is sufficient to show this judgment contrary to our laws, and logic alone sufficient to prove it destructive to our propriety, which every free and noble person values more than his possession — I will not profess I know of myself, but all those who know me, know that my natural disposition is to decline from severity — much more from cruelty.

That I have no particular provocation from their persons, and have particular obligations to their calling against whom I am to speak; and though I have not so much, yet far more than I have, so I hope it will be believed that only public interest hath extorted this from me, and that which I would not say, if I conceived it not so true, and so necessary, that no undigested meat can lie heavier upon the stomach than this unsaid would have lain upon my conscience.

Mr. Speaker, the Constitution of the Commonwealth hath established, or rather endeavored to establish, to us the security of our goods, and the security of those laws which would secure

us and our goods, by appointing for us judges so settled, so sworn, that there can be no oppression, but they of necessity must be accessory, since if they neither deny nor delay us justice, which neither for the great nor little seal, they ought to do, the greatest person in this kingdom cannot continue the least violence upon the meanest; but this security, Mr. Speaker, hath been almost our ruin, for it hath been turned, or rather turned itself into a battery against us; and those persons who should have been as dogs to defend the sheep, have been as wolves, to worry them.

These judges, Mr. Speaker, to instance not them only, but their greatest crime, have delivered an opinion, and judgment in an extrajudicial matter, that is such as came not within their cognizance, they being judges, and neither philosophers, nor politicians; in which, when that is so absolute and evident, the law of the land ceases, and of general reason and equity, by which particular laws at first were framed, returns to his throne and government, where *salus populi* becomes not only *suprema*, but *sola lex;* at which, and to which end, whatsoever should dispense with the King, to make use of any money, dispenses with us, to make use of his, and one another's. In this judgment they contradicted both many and learned acts and declarations of Parliament; and those in this very case, in this very reign, so that for them they needed to have consulted with no other record, but with their memories.

They have contradicted apparent evidences by supposing mighty and eminent dangers, in the most serene, quiet, and halcyon days that could possibly be imagined, a few contemptible pirates being our most formidable enemies, and there being neither prince nor state with whom we had not either alliance, or amity, or both.

They contradicted the writ itself, by supposing that supposed danger to be so sudden that it would not stay for a Parliament, which required but forty days' stay, and the writ being in no such haste, but being content to stay seven times over.

Mr. Speaker, it seemed generally strange that they saw not the law, which all men else saw, but themselves. Yet though this begot the more general wonder, three other particulars begot the more general indignation.

The first of all the reasons for this judgment was such that they needed not any from the adverse party to help them to con-

vert those few, who before the last suspicion of the legality of that most illegal writ, there being fewer that approved of the judgment than there were that judged it, for I am confident they did not that themselves.

Secondly, when they had allowed to the King the sole power in necessity, the sole judgment of necessity, and by that enabled him to take both from us, what he would, when he would, they yet continued to persuade us that they had left us our liberties and properties.

The third and last is, and which I confess moved most, that by the transformation of us from the state of free subjects (a good phrase, Mr. Speaker, under Doctor Heylen's favor) unto that of villeins, they disable us by legal and voluntary supplies to express our affections to his Majesty, and by that to cherish his to us,—that is by Parliaments.

Mr. Speaker, the cause of all the miseries we have suffered, and the cause of all our jealousies we have had that we should yet suffer is that a most excellent prince hath been most infinitely abused by his judges, telling him that by policy he might do what he pleased; with the first of these we are now to deal, which may be a leading to the rest. And since in providing of these laws, upon which these men have trampled, our ancestors have showed their utmost care and wisdom, for our undoubted security, words having done nothing, and yet have done all that words can do, we must now be forced to think of abolishing our grievances, and of taking away this judgment, and these judges together, and of regulating their successors by their exemplary punishment.

I will not speak much; I will only say we have accused a great person of high treason, for intending to subvert our fundamental laws and to introduce arbitrary government, which we suppose he meant to do. We are sure these have done it, there being no laws more fundamental than that they have already subverted, and no government more absolute than they have really introduced. Mr. Speaker, not only the severe punishment, but the sudden removal of these men, will have a sudden effect in one considerable consideration.

We only accuse, and the House of Lords condemn; in which condemnation they usually receive advice (though not direction) from the judges, and I leave it to every man to imagine how prejudicial to us, that is, to the Commonwealth, and how partial

to their fellow-malefactors, the advice of such judges is like to be. How undoubtedly for their own sakes, they will conduce to their power, that every action be judged to be a less fault, and every person to be less faulty, than in justice they ought to do; among these, Mr. Speaker, there is one I must not lose in the crowd, whom I doubt not but we shall find, when we examine the rest of them, with what hopes they have been tempted, by what fears they have been afraid, and by what, and by whose importunity they have been pursued, before they consented to what they did. I doubt not, I say, but we shall then find him to have been a most admirable solicitor, but a most abominable judge; he it is who not only gave away with his breath what our ancestors purchased for us by so large an expense of their time, their care, their treasure, their blood, and employed their industry, as great as his unjustice, to persuade others to join with him in that deed of gift, but strove to root up those liberties which they had cut down, and to make our grievances immortal and our slavery irreparable. Lest any part of our posterity might want occasion to curse him, he declared that power to be so inherent to the Crown, as that it was not in the power even of Parliaments to divide them.

I have heard, Mr. Speaker, and I think here that common fame is ground enough for this House to accuse upon; and then, undoubtedly, there is enough to be accused upon in this House; he hath reported this so generally, that I expect not that you shall bid me name him whom you all know, nor do I look to tell you news when I tell you it is my Lord Keeper. But this I think fit to put you in mind that his place admits him to his Majesty, and trusts him with his Majesty's conscience. And how pernicious every moment, whilst one gives him means to infuse such unjust opinions of this House, as are expressed in a libel, rather than a declaration, of which many believe him to be the principal secretary! And the other puts the most vast and unlimited power of the Chancery into his hands, the safest of which will be dangerous! For my part, I think no man secure that he shall think himself worth anything when he rises, whilst our estates are in his breast, who hath sacrificed his country to his ambition, whilst he who hath prostrated his own conscience hath the keeping of the King's, and he who hath undone us already by wholesale hath a power left in him by retail.

Mr. Speaker, in the beginning of Parliament he told us,— and I am confident every man here believes it before he told it, and never the more for his telling, though a sorry witness is a good testimony against himself, — that his Majesty never required anything from his ministers but justice and integrity. Against which, if any of them have transgressed, upon their heads, and that deservedly, it ought to fall; it was full and truly, but he hath in this saying pronounced his own condemnation; we shall be more partial to him than he is to himself if we be slow to pursue it. It is, therefore, my just and humble motion that we may choose a select committee to draw up his and their charge, and to examine their carriage in this particular, to make use of it in the charge, and if he shall be found guilty of tampering with judges against the public security, who thought tampering with witnesses in a private cause worthy of so great a fine, if he should be found to have gone before the rest to this judgment, and to have gone beyond the rest in this judgment, that in the punishment of it the justice of this House may not deny him the due honor both to proceed and exceed the rest.

FREDERICK WILLIAM FARRAR

(1831–)

APPOINTED Canon of Westminster in 1876, Archdeacon in 1883, and Dean of Canterbury in 1895, Doctor Farrar has become known all over the English-speaking world, not only because of his position, but by reason of his learning, of his numerous contributions to current literature, and of such striking eloquence as he illustrates in his eulogy of General Grant. The reader will see from it that Doctor Farrar is a man of bold opinions, holding views far removed from those of the English Whigs of the eighteenth century. He was born in Bombay, British India, August 7th, 1831, and was educated at the University of London and at Cambridge. From 1871 until appointed Canon of Westminster Abbey, he was head master of Marlborough College.

FUNERAL ORATION ON GENERAL GRANT

(Delivered in Westminster Abbey, London, August 4th, 1885)

EIGHT years have not passed since the Dean of Westminster, whom Americans so much loved and honored, was walking round this Abbey with General Grant, and explaining to him its wealth of great memorials. Neither of them had attained the allotted span of human life, and for both we might have hoped that many years would elapse before they went down to the grave, full of years and honors. But this is already the fourth summer since the Dean fell asleep, and to-day we are assembled at the obsequies of the great soldier whose sun has gone down while it yet was day, and at whose funeral service in America tens of thousands are assembled at this moment to mourn with his widow, family, and friends. Yes; life at the best is but as a vapor that passeth away. The glories of our birth and state are shadows, not substantial things. But when death comes, what nobler epitaph can any man have than this, that, having served his generation, by the will of God he fell asleep? Little can the living do for the dead. The pomps and ceremonies of earthly

grandeur have lost their significance, but when our soul shall leave its dwelling, the story of one fair and virtuous action is above all the escutcheons on our tombs or silken banners over us. I would desire to speak simply and directly, and, if with generous appreciation, yet with no idle flattery, of him whose death has made a nation mourn. His private life, the faults and failings of his character, whatever they may have been, belong in no sense to the world. They are for the judgment of God, whose merciful forgiveness is necessary for the best of what we do and are. We touch only on his public actions and services, the record of his strength, his magnanimity, his self-control, his generous deeds. His life falls into four marked divisions, of which each has its own lessons for us. He touched on them himself in part when he said:—

"Bury me either at West Point, where I was trained as a youth; or in Illinois, which gave me my first commission; or in New York, which sympathized with me in my misfortunes."

His wish has been respected, and on the cliff overhanging the Hudson, his monument will stand, to recall to the memory of future generations those dark days of a nation's history which he did so much to close. First came the early years of growth and training, of poverty and obscurity, of struggle and self-denial. Poor and humbly born, he had to make his own way in the world. God's unseen providence, which men nickname chance, directed his boyhood. A cadetship was given him at the Military Academy of West Point, and after a brief period of service in the Mexican War, in which he was three times mentioned in dispatches, seeing no opening for a soldier in what seemed likely to be days of unbroken peace, he settled down to a humble life in a provincial town. Citizens of St. Louis will remember the rough backwoodsman who sold cord wood from door to door, and who afterwards became a leather-seller in the obscure town of Galena. Those who knew him in those days have said that if any one had predicted that the silent, unprosperous, unambitious man, whose chief aim was to get a plank road from his shop to the railway depot, would become twice President of the United States, and one of the foremost men of his day, the prophecy would have seemed extravagantly ridiculous. But such careers are the glory of the American continent. They show that the people have a sovereign insight into intrinsic force. If Rome told with pride how her dictators came from the ploughtail, America, too

may record the answer of the President who, on being asked what would be his coat of arms, answered, proudly mindful of his early struggles, "A pair of shirt sleeves." The answer showed a noble sense of the dignity of labor, the noble superiority to the vanities of feudalism, a strong conviction that men are to be honored simply as men and not for the prizes of birth and accident, which are without them. You have of late years had two martyr Presidents, both men, sons of the people. One was the homely man, who at the age of seven was a farm lad, at seventeen a rail splitter, at twenty a boatman on the Mississippi, and who in manhood proved to be one of the most honest and God-fearing of modern rulers. The other grew up from a shoeless child in a log-hut on the prairies, round which the wolves prowled in the winter snow, to be a humble teacher in Hiram Institute. With these Presidents America need not blush to name also the leather-seller of Galena. Every true man derived his patent of nobleness direct from God.

Did not God choose David from the sheepfold, from following the ewes great with young ones, to make him the ruler of his people Israel? Was not the Lord of Life and all the worlds for thirty years a carpenter at Nazareth? Do not such things illustrate the prophecy of Solomon:—

"Seest thou a man diligent in his business? He shall stand before kings; he shall not stand before mean men."

When Abraham Lincoln sat, book in hand, day after day, under the tree, moving round it as the shadow crossed, absorbed in mastering his task; when James Garfield rang the bell at Hiram Institute on the very stroke of the hour, and swept the schoolroom as faithfully as he mastered his Greek lesson; when Ulysses Grant, sent with his team to meet some men who came to load his cart with logs, and, finding no men, loaded the cart with his own boy's strength, they showed in the conscientious performance of duty the qualities which were to raise them to become kings of men. When John Adams was told that his son, John Quincy Adams, had been elected President of the United States, he said: "He has always been laborious, child and man, from infancy."

But the youth was not destined to die in the deep valley of obscurity and toil, in which it is the lot—and perhaps the happy lot—of most of us to spend our little lives. The hour came; the man was needed. In 1861 there broke out that most terrible

war of modern days. Grant received a commission as Colonel of Volunteers, and in four years the struggling toiler had been raised to the chief command of a vaster army than has ever been handled by any mortal man. Who could have imagined that four years would make that enormous difference? But it is often so. The great men needed for some tremendous crisis have stepped often, as it were, out of a door in the wall which no man had noticed; and, unannounced, unheralded, without prestige, have made their way silently and single-handed to the front. And there was no luck in it. It was a work of inflexible faithfulness, of indomitable resolution, of sleepless energy, and iron purpose and tenacity. In the campaigns at Fort Donelson; in the desperate battle at Shiloh; in the siege of Corinth; in the successful assaults at Pittsburg; in battle after battle, in siege after siege; whatever Grant had to do, he did it with his might. Other generals might fail — he would not fail. He showed what a man could do whose will was strong. He undertook, as General Sherman said of him, what no one else would have ventured, and his very soldiers began to reflect something of his indomitable determination. His sayings revealed the man. "I have nothing to do with opinions," he said, at the outset, "and shall only deal with armed rebellion." "In riding over the field," he said at Shiloh, "I saw that either side was ready to give way, if the other showed a bold front. I took the opportunity, and ordered an advance along the whole line." "No terms," he wrote to General Buckner at Fort Donelson (and it is pleasant to know that General Buckner stood as a warm friend beside his dying bed); "no terms other than unconditional surrender can be accepted." "My headquarters," he wrote from Vicksburg, "will be on the field." With a military genius which embraced the vastest plans while attending to the smallest details, he defeated, one after another, every great general of the Confederates, except General Stonewall Jackson. The Southerners felt that he held them as in the grasp of a vise; that this man could neither be arrested nor avoided. For all this he has been severely blamed. He ought not to be blamed. He has been called a butcher, which is grossly unjust. He loved peace; he hated bloodshed; his heart was generous and kind. His orders were to save lives, to save treasure, but at all costs to save his country — and he did save his country. His army cheerfully accepted the sacrifice, wrote its farewells, buckled its belts, and stood

ready. The struggle was not for victory; it was for existence. It was not for glory; it was for life and death. Grant had not only to defeat armies, but to annihilate their forces; to leave no choice but destruction or submission. He saw that the brief ravage of the hurricane is infinitely less ruinous than the interminable malignity of the pestilence, and in the colossal struggle, victory, swift, decisive, overwhelming, was the truest mercy. In silence and with determination, and with clearness of insight, he was like your Washington and our Wellington. He was like them also in this, that the word "cannot" did not exist in his soldier's dictionary, and what he achieved was achieved without bluster. In the hottest fury of all his battles, his speech was never known to be more than "yea, yea," and "nay, nay." He met General Lee at Appomattox. He received his surrender with faultless delicacy. He immediately issued an order that the Confederates should be supplied with rations. Immediately his enemies surrendered, he gave them terms as simple and as generous as a brother could have given them — terms which healed differences; terms of which they freely acknowledged the magnanimity. Not even entering the capitol, avoiding all ostentation, unelated by triumph, as unruffled by adversity, he hurried back to stop recruits and to curtail the vast expenses of the country. After the surrender at Appomattox Court House, the war was over. He had put his hand to the plow and had looked not back. He had made blow after blow, each following where the last had struck; he had wielded like a hammer the gigantic forces at his disposal, and had smitten opposition into the dust. It was a mighty work, and he had done it well. Surely history has shown that for the future destinies of a mighty nation it was a necessary and blessed work! The Church utters her most indignant anathema at an unrighteous war, but she has never refused to honor the faithful soldiers who fight in the cause of their country and God. The gentlest and most Christian of modern poets has used the tremendous thought: —

> "God's most dreaded instrument
> In working out a pure intent
> Is man arrayed for mutual slaughter,
> Yea, Carnage is his daughter!"

We shudder even as we quote the words, but yet the cause for which General Grant fought — the honor of a great people,

and the freedom of a whole race of mankind — was a great and noble cause. And the South has accepted that desperate and bloody arbitrament. Two of the Southern generals, we rejoice to hear, will bear General Grant's funeral pall. The rancor and ill-feeling of the past are buried forever in oblivion; true friends have been made out of brave foemen. Americans are no longer Northerners and Southerners, Federals and Confederates, but they are Americans. "Do not teach your children to hate," said General Lee, to an American lady; "teach them that they are Americans. I thought that we were better off as one nation than as two, and I think so now." "The war is over," said Grant, "and the best sign of rejoicing after victory will be to abstain from all demonstrations in the field." "Let us have peace," were the memorable words with which he ended his brief Inaugural Address as President. On the rest of the great soldier's life, we will only touch in very few words. As Wellington became Prime Minister of England, and lived to be hooted in the streets of London, so Grant, more than half against his will, became President, and for a time lost much of his popularity. He foresaw it all, but it is not for a man to choose; it is for a man to accept his destiny. What verdict history may pronounce on him as a politician I know not; but here, and now, the voice of censure, deserved or undeserved, is silent. When the great Duke of Marlborough died and one began to speak of his avarice, "He was so great a man," said Bolingbroke, "I had forgotten that he had that fault."

It was a fine and delicate rebuke, and we do not intend to rake up a man's faults and errors. Those errors, whatever they may have been, we leave to the mercy of the Merciful, and the atoning blood of his Savior. Beside the open grave, we speak only in gratitude of his great achievements. Let us record his virtues in brass, for men's examples; but let his faults, whatever they may have been, be writ in water. Some may think that it would have been well for Grant if he had died in 1865, when steeples clanged and cities were illuminated and congregations rose in his honor. Many and dark clouds overshadowed the last of his days — the blow of financial ruin; the dread that men should suppose that he had a tarnished reputation; the terrible agony of an incurable disease. But God's ways are not our ways. To bear that sudden ruin, and that speechless agony, required a courage nobler and greater than that of the battlefield, and

human courage grows magnificently to the height of human need. "I am a man," said Frederick the Great, "and therefore born to suffer." On the long agonizing death-bed, Grant showed himself every inch a hero, bearing his agonies and trials without a murmur, with rugged stoicism, in unflinching fortitude; yes, and we believe in a Christian's patience and a Christian's prayers. Which of us can tell whether those hours of torture and misery may not have been blessings in disguise; whether God may not have been refining the gold from the brass, and the strong man had been truly purified by the strong agony? We are gathered here in England to do honor to his memory and to show our sympathy with the sorrow of a great sister nation. Could we be gathered in a more fitting place? We do not lack here memorials to recall the history of your country. There is the grave of Andre; there is the monument raised by grateful Massachusetts to the gallant Howe; there is the temporary resting-place of George Peabody; there is the bust of Longfellow; over the Dean's grave there is the faint semblance of Boston Harbor. We add another memory to-day. Whatever there may have been between the two nations to forget and forgive, it is forgotten and forgiven. "I will not speak of them as two peoples," said General Grant at Newcastle in 1877, "because, in fact, we are one people, with a common destiny, and that destiny will be brilliant in proportion to the friendship and co-operation of the brethren dwelling on each side of the Atlantic." Oh! if the two peoples, which are one people, be true to their duty, and true to their God, who can doubt that in their hands are the destinies of the world? Can anything short of utter dementation ever thwart a destiny so manifest? Your founders were our sons; it was from our past that your present grew. The monument of Sir Walter Raleigh is not that nameless grave in St. Margaret's; it is the State of Virginia. Yours and ours alike are the memories of Captain John Smith and of the Pilgrim Fathers, of General Oglethorpe's strong benevolence of soul, of the apostolic holiness of Berkeley, and the burning zeal of Wesley and Whitefield. Yours and ours alike are the plays of Shakespeare and the poems of Milton; ours and yours alike are all that you have accomplished in literature or in history — the songs of Longfellow and Bryant, the genius of Hawthorne and of Irving, the fame of Washington, Lee, and Grant. But great memories imply great responsibilities. It was not for nothing that God has made England what

she is; not for nothing that the free individualism of a busy multitude, the humble traders of a fugitive people, snatching the New World from feudalism and bigotry, from Philip II. and Louis XIV., from Menendez and Montcalm, from the Jesuit and the Inquisition, from Torquemada, and from Richelieu, to make it the land of the Reformation and the Republic of Christianity and of Peace. "Let us auspicate all our proceedings in America," said Edmund Burke, "with the old Church cry, *Sursum corda!*" But it is for America to live up to the spirit of such words, not merely to quote them with proud enthusiasm. We have heard of —

> "New times, new climes, new lands, new men, but still
> The same old tears, old crimes, and oldest ill."

It is for America to falsify the cynical foreboding. Let her take her place side by side with England in the very van of freedom and of progress, united by a common language, by common blood, by common measures, by common interests, by a common history, by common hopes; united by the common glory of great men, of which this great temple of silence and reconciliation is the richest shrine. Be it the steadfast purpose of the two peoples who are one people to show all the world not only the magnificent spectacle of human happiness, but the still more magnificent spectacle of two peoples which are one people, loving righteousness and hating iniquity, inflexibly faithful to the principles of eternal justice which are the unchanging laws of God.

FRANÇOIS DE SALIGNAC DE LA MOTHE FÉNELON

(1651–1715)

THE author of 'Telemachus,' and the rival of Bossuet, Fénelon is remembered for the limpid purity of his language and the elevation of his views of life, rather than for boldness and originality. As a man, he has been loved in his lifetime and ever since, for his unworldliness and gentleness. As an orator, he has a style of his own hardly approached by any one else. "What cultivated man," says Matthews, "needs to be told of the sweet persuasions that dwelt upon the tongue of the swan of Cambray?"

Fénelon was born August 6th, 1651, of a noble family, in Périgord. Always delicate and sensitive, he was greatly loved by his father, Count Pons de Salignac, who sent him first to the college at Cahors and afterwards to Paris, that he might have the best possible education. He showed his genius at an early age. It is said that at fifteen he preached a sermon which astonished and delighted his hearers. After entering the priesthood, he spent ten years as superior of the community of "Nouvelles Catholiques," an order devoted to the education of women. About this time he wrote his celebrated work, 'The Education of Young Girls,' and his 'Refutation of Malebranche.' In 1685 he was sent as a missionary into districts disturbed by the religious persecutions of Louis XIV. The work he did in them was creditable, though unsatisfactory to his superior, the Archbishop of Paris.

In 1689 he was made tutor to the Dauphin, for whom he wrote his most celebrated work, 'Telemachus,' a romance of the most delightful improbability, concerning which it has been asked with reason how its author could conceive the possibility of such a paragon as 'Telemachus' originating in the family of a liar so practiced, an adventurer so unscrupulous, as Ulysses boasted of being. That, however, did not concern Fénelon at all. He intended the book for the best possible sermon written in the best possible French, and succeeded so well in realizing his intention that it has outlasted the throne of the Bourbons whom he hoped by it to persuade to virtue.

In 1695 the King nominated Fénelon for the Archbishopric of Cambray, and at about the same time his celebrated controversy with

Bossuet over Quietism began to develop. It is impossible to do justice to Fénelon's position in a sentence of summary, but he seems to have believed, and with the mildness peculiar to him to have insisted that a Christian ought to live in this world as if he were in heaven — a doctrine which brought him into disgrace and resulted in his retirement to Cambray where he spent the last years of his life in teaching, preaching, feeding the hungry, and nursing the sick. He died January 7th, 1715.

SIMPLICITY AND GREATNESS

(From the 'Sermons of Fénelon' — Translation of Mrs. Follen)

THERE is a simplicity that is a defect, and a simplicity that is a virtue. Simplicity may be a want of discernment. When we speak of a person as simple, we may mean that he is credulous and perhaps vulgar. The simplicity that is a virtue is something sublime; every one loves and admires it; but it is difficult to say exactly what this virtue is.

Simplicity is an uprightness of soul that has no reference to self; it is different from sincerity, and it is a still higher virtue. We see many people who are sincere, without being simple; they only wish to pass for what they are, and they are unwilling to appear what they are not; they are always thinking of themselves, measuring their words, and recalling their thoughts, and reviewing their actions, from the fear that they have done too much or too little. These persons are sincere, but they are not simple; they are not at ease with others, and others are not at ease with them; they are not free, ingenuous, natural; we prefer people who are less correct, less perfect, and who are less artificial. This is the decision of man, and it is the judgment of God, who would not have us so occupied with ourselves, and thus, as it were, always arranging our features in a mirror.

To be wholly occupied with others, never to look within, is the state of blindness of those who are entirely engrossed by what is present and addressed to their senses; this is the very reverse of simplicity. To be absorbed in self in whatever engages us, whether we are laboring for our fellow-beings or for God — to be wise in our own eyes, reserved, and full of ourselves, troubled at the least thing that disturbs our self-complacency, is the opposite extreme. This is false wisdom, which, with all its

glory, is but little less absurd than that folly which pursues only pleasure. The one is intoxicated with all that it sees around it; the other with all that it imagines it has within; but it is delirium in both. To be absorbed in the contemplation of our own minds is really worse than to be engrossed by outward things, because it appears like wisdom and yet is not; we do not think of curing it; we pride ourselves upon it; we approve of it; it gives us an unnatural strength; it is a sort of frenzy; we are not conscious of it; we are dying, and we think ourselves in health.

Simplicity consists in a just medium, in which we are neither too much excited, nor too composed. The soul is not carried away by outward things, so that it cannot make all necessary reflections; neither does it make those continual references to self, that a jealous sense of its own excellence multiplies to infinity. That freedom of the soul, which looks straight onward in its path, losing no time to reason upon its steps, to study them, or to contemplate those that it has already taken, is true simplicity.

The first step in the progress of the soul is disengagement from outward things, that it may enter into itself, and contemplate its true interests: this is a wise self-love. The second is, to join to this the idea of God whom it fears: this is the feeble beginning of true wisdom; but the soul is still fixed upon itself; it is afraid that it does not fear God enough; it is still thinking of itself. These anxieties about ourselves are far removed from that peace and liberty which a true and simple love inspires; but it is not yet time for this; the soul must pass through this trouble; this operation of the spirit of God in our hearts comes to us gradually; we approach step by step to this simplicity. In the third and last state, we begin to think of God more frequently, we think of ourselves less, and insensibly we lose ourselves in him.

The more gentle and docile the soul is, the more it advances in this simplicity. It does not become blind to its own defects, and unconscious of its imperfections; it is more than ever sensible of them; it feels a horror of the slightest sin; it sees more clearly its own corruption; but this sensibility does not arise from dwelling upon itself, but by the light from the presence of God, we see how far removed we are from infinite purity.

Thus simplicity is free in its course, since it makes no preparation; but it can only belong to the soul that is purified by a

true penitence. It must be the fruit of a perfect renunciation of self, and an unreserved love of God. But though they, who become penitents, and tear themselves from the vanities of the world, make self the object of thought, yet they must avoid an excessive and unquiet occupation with themselves, such as would trouble, and embarrass, and retard them in their progress. Dwelling too much upon self produces in weak minds useless scruples and superstition, and in stronger minds a presumptuous wisdom. Both are contrary to true simplicity, which is free and direct, and gives itself up, without reserve and with a generous self-forgetfulness, to the Father of spirits. How free, how intrepid are the motions, how glorious the progress that the soul makes, when delivered from all low, and interested, and unquiet cares.

If we desire that our friends be simple and free with us, disencumbered of self in their intimacy with us, will it not please God, who is our truest friend, that we should surrender our souls to him, without fear or reserve, in that holy and sweet communion with himself which he allows us? It is this simplicity, which is the perfection of the true children of God. This is the end that we must have in view, and to which we must be continually advancing.

This deliverance of the soul from all useless, and selfish, and unquiet cares, brings to it a peace and freedom that are unspeakable; this is true simplicity. It is easy to perceive, at the first glance, how glorious it is; but experience alone can make us comprehend the enlargement of heart that it produces. We are then like a child in the arms of its parent; we wish nothing more; we fear nothing; we yield ourselves up to this pure attachment; we are not anxious about what others think of us; all our motions are free, graceful, and happy. We do not judge ourselves, and we do not fear to be judged. Let us strive after this lovely simplicity; let us seek the path that leads to it. The further we are from it, the more we must hasten our steps towards it. Very far from being simple, most Christians are not even sincere. They are not only disingenuous, but they are false, and they dissemble with their neighbor, with God, and with themselves. They practice a thousand little arts that indirectly distort the truth. Alas! every man is a liar; those even who are naturally upright, sincere, and ingenuous, and who are what is called simple and natural, still have this jealous and sensitive reference to self in everything, which secretly nourishes pride,

and prevents that true simplicity, which is the renunciation and perfect oblivion of self.

But it will be said, How can I help being occupied with myself? A crowd of selfish fears trouble me, and tyrannize over my mind, and excite a lively sensibility. The principal means to cure this is to yield yourself up sincerely to God, to place all your interests, pleasures, and reputation in his hands, to receive all the sufferings that he may inflict upon you in this scene of humiliation, as trials and tests of your love to him, neither to fear the scrutiny, nor to avoid the censure of mankind. This state of willing acquiescence produces true liberty, and this liberty brings perfect simplicity. A soul that is liberated from the little earthly interests of self-love becomes confiding, and moves straight onward, and its views expand even to infinity, just in proportion as its forgetfulness of self increases, and its peace is profound even in the midst of trouble.

I have already said that the opinion of the world conforms to the judgment of God upon this noble simplicity. The world admires, even in its votaries, the free and easy manners of a person who has lost sight of self. But the simplicity, which is produced by a devotion to external things, still more vain than self, is not the true simplicity; it is only an image of it, and cannot represent its greatness. They who cannot find the substance, pursue the shadow; and shadow as it is, it has a charm, for it has some resemblance to the reality that they have lost. A person full of defects, who does not attempt to hide them, who does not seek to dazzle, who does not affect either talents or virtue, who does not appear to think of himself more than of others, but to have lost sight of this self of which we are so jealous, pleases greatly, in spite of his defects. This false simplicity is taken for the true. On the contrary, a person full of talents, of virtues, and of exterior graces, if he appear artificial, if he be thinking of himself, if he affect the very best things, is a tedious and wearisome companion that no one likes.

Nothing, then, we grant, is more lovely and grand than simplicity. But some will say, Must we never think of self? We need not practice this constraint; in trying to be simple, we may lose simplicity. What, then, must we do? Make no rule about it, but be satisfied that you affect nothing. When you are disposed to speak of yourself from vanity, you can only repress this strong desire by thinking of God, or of what you are called upon by

him to do. Simplicity does not consist in false shame or false modesty, any more than in pride or vainglory. When vanity would lead to egotism, we have only to turn from self; when, on the contrary, there is a necessity of speaking of ourselves, we must not reason too much about it, we must look straight at the end. But what will they think of me? They will think I am boasting; I shall be suspected in speaking so freely of my own concerns. None of these unquiet reflections should trouble us for one moment. Let us speak freely, ingenuously, and simply of ourselves when we are called upon to speak. It is thus that St. Paul spoke often in his Epistles. What true greatness there is in speaking with simplicity of oneself. Vainglory is sometimes hidden under an air of modesty and reserve. People do not wish to proclaim their own merit, but they would be very glad that others should discover it. They would have the reputation both of virtue and of the desire to hide it.

As to the matter of speaking against ourselves, I do not either blame or recommend it. When it arises from true simplicity, and that hatred with which God inspires us for our sins, it is admirable, and thus I regard it in many holy men. But usually the surest and most simple way is not to speak unnecessarily of oneself, either good or evil. Self-love often prefers abuse to oblivion and silence; and when we have often spoken ill of ourselves, we are quite ready to be reconciled, just like angry lovers, who, after a quarrel, redouble their blind devotion to each other.

This simplicity is manifested in the exterior. As the mind is freed from this idea of self, we act more naturally, all art ceases, and we act rightly without thinking of what we are doing, by a sort of directness of purpose that is inexplicable to those who have no experience of it. To some we may appear less simple than those who have a more grave and practiced manner; but these are people of bad taste, who take the affectation of modesty for modesty itself, and who have no knowledge of true simplicity. This true simplicity has sometimes a careless and irregular appearance, but it has the charm of truth and candor, and sheds around it I know not what of purity and innocence, of cheerfulness and peace; a loveliness that wins us when we see it intimately and with pure eyes.

How desirable is this simplicity! who will give it to me? I will quit all else to obtain it, for it is the pearl of great price.

NATURE AS A REVELATION

(A Sermon on the Proofs of the Existence of God Drawn from a View of Nature and the Mind of Man)

I CANNOT open my eyes without admiring the skill that everything in nature displays. A single glance enables me to perceive the hand that has made all things. Men accustomed to meditate upon abstract truths, and recur to first principles, recognize the Divinity, by the idea of him they find in their minds. But the more direct this road is, the more it is untrodden and neglected by common men, who follow their own imagination. It is so simple a demonstration, that from this very cause it escapes those minds incapable of a purely intellectual operation. And the more perfect this way of discovering the Supreme Being is, the fewer are the minds that can follow it. But there is another method less perfect, but more nearly adapted to the capacity of all. Those who exercise their reason the least, those who are most affected by their senses, may, at a single glance, discover him, who is represented in all his works. The wisdom and power that God has manifested in everything he has made reflect the name as in a mirror of him whom they have not been able to discover in their own minds. This is a popular philosophy addressed to the senses, which every one, without prejudice or passion, is capable of acquiring.

A man whose heart is entirely engaged in some grand concern might pass many days in a room, attending to his affairs, without seeing either the proportions of the room, the ornaments on the chimney, or the pictures that surrounded him. All these objects would be before his eyes, but he would not see them, and they would make no impression upon him. Thus it is that men live. Everything presents God to them, but they do not see him. He was in the world and the world was made by him; and, nevertheless, the world has not known him. They pass their lives without perceiving this representation of the Deity, so completely do the fascinations of life obscure their vision. Saint Augustine says that the wonders of the universe are lowered in our estimation by their repetition. Cicero says the same thing: "Forced to view the same things every day, the mind as well as the eye is accustomed to them. It does not admire or take any pains to discover the cause of events that it always observes to

take place in just the same way; as if it were the novelty rather than the grandeur of a thing that should lead us to this investigation."

But all nature shows the infinite skill of its Author. I maintain that accident, that is to say a blind and fortuitous succession of events, could never have produced all we see. It is well to adduce here one of the celebrated comparisons of the ancients.

Who would believe that the 'Iliad' of Homer was not composed by the efforts of a great poet, but that the characters of the alphabet being thrown confusedly together, an accidental stroke had placed the letters precisely in such relative positions as to produce verses so full of harmony and variety, painting each object with all that was most noble, most graceful, and most touching in its features; in fine, making each person speak in character and with such spirit and nature? Let any one reason with as much subtlety as he may, he would persuade no man in his senses that the 'Iliad' had no author but accident. Why, then, should a man possessing his reason believe with regard to the Universe, a work unquestionably more wonderful than the 'Iliad,' what his good sense will not allow him to believe of this poem?

Were any one to find in a desert a beautiful statue of marble, he would say: "Surely men have been here. I recognize the hand of the sculptor; I admire the delicacy with which he has proportioned the body, making it instinct with beauty, grace, majesty, tenderness, and life." What would this man reply were any one to say to him: "No; a sculptor did not make this statue. It is made, it is true, in the most exquisite taste, and according to the most perfect rules of symmetry; but it is accident that has produced it. Among all the pieces of marble, one has happened to take this form of itself. The rains and the winds detached it from the mountains; a violent storm placed it upright on this pedestal, that was already prepared and placed here of itself. It is an Apollo as perfect as that of Belvidere; it is a Venus equal to that of the Medici; it is a Hercules which matches the Farnese. You may believe that this figure walks, that it lives, that it thinks, that it is going to speak; but it owes nothing to art, it is only a blind stroke of chance that has formed it so well and placed it here."

A traveler entering Saïde, which is the place that once was ancient Thebes, with its hundred gates, but is now a desert,

would find there columns, pyramids, obelisks, and inscriptions in unknown characters. Would he say: "Men have never inhabited this place; the hand of man has never been employed here; it is chance that has formed these columns and placed them upon their pedestals, crowning them with capitals of such beautiful proportions; it is chance that has hewn these obelisks out of single stones, and that has engraved on them all these hieroglyphics"? Would he not say, on the contrary, with all the assurance of which the mind of man is capable: "These magnificent views are the remains of the majestic architecture that flourished in ancient Egypt"?

This is what our reason would proclaim at the first glance. It is the same when we first contemplate the universe. People perplex themselves with sophistry, and obscure their view of the simplest truths. But a glance is sufficient; such a work as this world could not have been made by chance. The bones, the tendons, the veins, the arteries, the nerves, the muscles, which compose the body of a single man, display more art and proportion than all the architecture of the ancient Greeks and Egyptians. The eye of the meanest animal surpasses the skill of all the artisans of the world. But before we proceed to the details of nature, fix our attention for a while upon the general structure of the universe. Cast your eyes upon the earth that supports us; raise them, then, to this immense vault of the heavens that surrounds us; these fathomless abysses of air and water, and these countless stars that give us light. Who is it that has suspended this globe of earth? Who has laid its foundations? If it were harder, its bosom could not be laid open by man for cultivation. If it were less firm, it could not support the weight of his footsteps. From it proceed the most precious things. This earth, so mean and unformed, is transformed into thousands of beautiful objects that delight our eyes; in the course of one year it becomes branches, buds, leaves, flowers, fruits, and seeds, thus renewing its beautiful favors to man. Nothing exhausts it. After yielding for so many ages its treasures, it experiences no decay; it does not grow old; it still pours forth riches from its bosom. Generations of men have grown old and passed away, while every spring the earth has renewed its youth. If it were cultivated, it would nourish a hundredfold more than it now does.

But the body of man that seems the *chef-d'œuvre* of nature is not comparable to his soul. Whence comes it that beings so

unlike are united in his composition? Whence comes it that the movements of the body give so promptly and so infallibly certain thoughts to the soul? How is it that the thoughts of the soul produce certain movements of the body? Whence comes it that this harmonious connection exists without interruptions for seventy or eighty years? Whence comes it that two beings possessing such different operations make a whole so perfect that some are tempted to believe that they are one and indivisible?

What hand has united these two extremes? Matter could not make an agreement with spirit, the spirit has no recollection of having made any compact with matter. Nevertheless, it is certain that it is dependent on the body, and that it cannot be freed from its power, unless it destroys it by a violent death. This dependence is reciprocal. Nothing is more absolute than the empire of the soul over the body. The spirit wills, and every member of the body is instantly moved as if it were impelled by some powerful machine. What hand holding an equal power over both these natures has imposed this yoke upon them, and held them captive in a connection so nice and so inviolable? Can any one say, "Chance"? If they do, can they understand what they say themselves, and make others comprehend it? Has chance linked together by a concourse of atoms the particles of body with soul?

My alternative is this; if the soul and the body are only a composition of matter, whence is it that this matter, which did not think yesterday begins to think to-day? Who is it that has given it, what it did not before possess, and what is incomparably more noble than itself, when it was without thought? Does not that which bestows thought possess it? Suppose even that thought proceeded from a certain configuration and arrangement and motion of matter, what workman contrived these just and nice combinations so as to make a thinking machine? If, on the contrary, the soul and the body are two distinct substances, what power superior to both these different natures has bound them together? Who, with a supreme empire over both, has sent forth his command, that they should be linked together by a correspondence and in a civil subjection that is incomprehensible?

The empire of the mind over the body is despotic to a certain extent, since simple will can move every member by mechanical rules. As the Scriptures represent God in the creation

to have said: "Let there be Light, and there was Light," so the voice of my soul speaks and my body obeys. This is the power which men who believe in God attribute to him over the universe.

This power of the soul over the body which is so absolute is at the same time a blind one. The most ignorant man moves his body as well as the best-instructed anatomist. The player on the flute who perfectly understands all the chords of his instrument, who sees it with his eyes and touches it with his fingers, often makes mistakes. But the soul that governs the mechanism of the human body can move every spring without seeing it, without understanding its figure, or situation, or strength, and never mistakes. How wonderful is this! My soul commands what it does not know, what it cannot see, and what it is incapable of knowing, and is infallibly obeyed! How great its ignorance and how great its power! The blindness is ours, but the power — whence is it? To whom shall we attribute it, if not to him, who sees what man cannot see, and gives him the power to perform what surpasses his own comprehension?

Let the universe be overthrown and annihilated, let there be no minds to reason upon these truths, they will still remain equally true, as the rays of the sun would be no less real if men should be blind and not see them. "In feeling assured," says Saint Augustine, "that two and two make four, we are not only certain that we say what is true, but we have no doubt that this proposition has been always, and will continue to be eternally true."

Let man then admire what he understands, and let him be silent when he cannot comprehend. There is nothing in the universe that does not equally bear these two opposite characters, the stamp of the Creator and the mark of the nothingness from whence it is drawn, and into which it may at any moment be resolved.

DAVID DUDLEY FIELD

(1805–1894)

AFTER the surrender of Lee's army at Appomattox, the great question which forced itself on the thinkers of America was the restoration of civil government. Throughout the Southern States all government had been practically suspended, and in the Northern States, where no actual hostilities had occurred, frequent attempts had been made to supplant civil law and constitutional government with "martial law." To demonstrate that "martial law" cannot exist under a civil government; to vindicate through the courts the spirit of civil law as supreme against the attempts of military power to transgress its limitations, and to reassert the fundamental principles of American liberty founded on law, was the work of a few great jurists, whose courage, sanity, and far-seeing devotion to freedom, justice, and progress is one of the chief glories of the civilization they did so much to perpetuate. Among them hardly any one was readier or more efficient than David Dudley Field, who in the Milligan case, the McCardle case, and other great cases growing out of the arbitrary habits fostered by the Civil War, struggled for law, liberty, and progress with a courage and devotion for which Americans of the present and the future can never thank him too much.

He was born at Haddam, Connecticut, February 13th, 1805. After graduating at Williams College in 1825, he was admitted to the bar in 1828. When he retired in 1885, his name was familiar to all educated Americans, and he was ranked as one of the greatest lawyers the country has produced. He died in New York, April 13th, 1894.

IN RE MILLIGAN—MARTIAL LAW AS LAWLESSNESS

(From the Speech of David Dudley Field in the Milligan Case, in the Supreme Court of the United States. By Permission from the Speeches, Arguments, and Miscellaneous Papers of David Dudley Field, New York, 1884. Copyrighted by D. Appleton & Co., Publishers)

THE authority to suspend the privilege of the *habeas corpus* is derived, it is said, from two sources: first, from the martial power; and, second, from the second subdivision of the ninth section of the first article of the Federal Constitution.

As to the martial power, I have already discussed it so fully that I need not discuss it again. I trust it has been shown that this power — the war power, as it is fashionable to call it — belongs to Congress, and not to the President, and that his function is to execute, in that respect, the will of Congress. His power is no more the war power than is that of General Grant, or any other subordinate; for the President, as commander-in-chief, is only, as Hamilton describes him, the "first general and admiral of the confederacy."

If the President, as commander-in-chief of the army, navy, and militia in the Federal service, has not the power of martial rule over others than martial persons, he cannot control them either by trial or arrest, or detain them, against the interposition or in defiance of the judicial power. As a question, therefore, under what has been incorrectly called the war power of the President, I submit that it is no longer worth considering.

How, then, stands the question, upon the text of the Constitution? This is the language: "The privilege of the writ of *habeas corpus* shall not be suspended unless when in cases of rebellion or invasion the public safety may require it." My argument will be confined to this phrase and its true interpretation. Its importance, upon the present occasion, consists in this: If the President, and he alone, is invested by this clause with the power of suspending the privilege — if he cannot be controlled by Congress in its exercise, then I know not how the petitioners could be relieved from the custody of the Provost Marshal, however illegal their trial and conviction may have been.

Each of the three great departments of Government is independent in its own sphere, and, if it be once granted that the power in this respect belongs to the President alone, I am unable to perceive that Congress can rightfully control him in its exercise, or subject his discretion to theirs.

The clause in question certainly either grants the power or implies that it is already granted, and in either case it belongs to the legislative, executive, and judicial departments, concurrently, or to some, excluding the rest.

There have been four theories: one that it belongs to all the departments; a second, that it belongs to the Legislature; a third, that it belongs to the Executive; and the fourth, that it belongs to the Judiciary.

Is the clause a grant or limitation of power? Looking only at the form of expression, it should be regarded as a limitation, like the next subdivision which is in these words: "No bill of attainder or *ex post facto* law shall be passed."

In no other part of the Constitution is such a phrase used to express a grant of power. The advocates of such a construction are obliged to say that the clause is elliptical, and should be read as if it were as follows: The privilege shall not be suspended, unless, when in cases of rebellion or invasion, the public safety may require it, and then it may be suspended. This is a strained construction, not at all in harmony with the general simplicity of the Constitution.

Next, as a grant of power, it would be superfluous, for it is clearly an incident of others which are granted. Take, for example, the power to raise and support armies. In a time of war, the unrestrained issue of the writ might seriously embarrass the Government in keeping together, under proper discipline, either recruits or drafted men; for which reason it might be necessary or proper to suspend the privilege during the exigency. Can it be doubted that Congress would have the power to enact that, while the exigency lasted, no soldier should be brought before a State court on *habeas corpus?*

Then, regarding the clause according to its place in the Constitution, it should be deemed a limitation; for it is placed with six other subdivisions in the same section, every one of which is a limitation. It implies that the power has been already granted, just as, in the fourth and sixth subdivisions, a power is implied.

Thus the fourth declares that "no capitation or other direct tax shall be laid, unless in proportion to the census or enumeration hereinbefore directed to be taken," and the sixth, that "no money shall be drawn from the Treasury but in consequence of appropriations made by law."

If the sentence respecting the *habeas corpus* be, as I contend, a limitation, and not a grant of power, we must look into other parts of the Constitution to find the grant; and if we find none making it to the President beyond his appointment as commander-in-chief, and it has been shown that there is none in that, it follows that the power is in the legislative or judicial department. How it should be in the Judiciary, it is not easy to see. That department has no other function than to judge. It cannot refuse or delay justice. But, if it were assumed that the power of

suspending the privilege of the writ belongs to the judicial department, it is quite clear that the present is a case where the writ would not be denied by the courts, or any of its privileges withheld.

If the clause in question be deemed a grant of power, the question occurs: To whom is the grant made? The following considerations go to show that it is to be deemed as made to Congress: —

First, the debates in the Convention which framed the Constitution seem, at least, to suppose that the power was given to Congress, and to Congress alone.

Second, the debates in the various State conventions which ratified the Constitution do most certainly proceed upon that supposition.

Third, the place in which the provision is left indicates, if it does not absolutely decide, that it relates only to the powers of Congress. It is not in the second article which treats of the executive department. It is not in the third which treats of the judicial department. It is in the first article, which treats of the legislative department. There is not another subdivision in all the seven subdivisions of the ninth section which does not relate to Congress in part, at least, and most of them relate to Congress alone.

Thus, the first is: "The migration or importation of such persons as any of the States now existing shall think proper to admit shall not be prohibited by the Congress prior to 1808," etc. That is clearly a restriction upon Congress. The second is: "The privilege of the writ of *habeas corpus* shall not be suspended," etc. Third: "No bill of attainder, or *ex post facto* law, shall be passed." That is clearly a limitation on Congress. Fourth: "No capitation, or other direct tax, shall be laid, unless in proportion to the census," etc. That is a limitation upon Congress. Fifth: "No tax or duty shall be laid on articles exported from any State." That, also, is a limitation upon Congress. Sixth: "No preference shall be given by any regulation of commerce or revenue to the ports of one State over those of another," etc. That is a restriction on the powers of Congress. Seventh: "No money shall be drawn from the Treasury but in consequence of appropriations made by law," etc. That is a restriction upon all departments of Government; upon Congress not less than the others; and finds its proper place here, because it is Congress

that appropriates money. Eighth: "No title of nobility shall be granted by the United States." Does anybody suppose that to be a restriction on the President? Could he grant a title of nobility? And then follows a general restriction: "No person holding any office of profit or trust under them" [the United States] "shall, without the consent of the Congress, accept of any present, emolument, office, or title, of any kind whatever, from any king, prince, or foreign state."

The Constitution is remarkable for its arrangement of the subject embraced in it. There is scarcely another instrument to which the rule, *noscitur a sociis*, can be better applied for its interpretation. The different topics are grouped together with a careful regard to their proper places. Thus it begins in its first article with creating, empowering, and restricting the legislative department; passing, in the tenth section, to restrictions upon the States in matters which, for the most part, pertain to Congress, or in which the States might thwart the policy of Congress. If the clause respecting the *habeas corpus* be a grant of power to the President, it is the only one in the whole article. Not only does the article contain no grant to that officer, but the ninth section contains no grant to any of the departments of Government.

Fourth, the constitutional law of the mother country had been long settled that the power of suspending the privilege of the writ, or, as it was sometimes called, suspending the writ itself, belonged only to Parliament. With this principle firmly seated in the minds of lawyers, it seems incredible that so vast a change as conferring the grant upon the Executive should have been so loosely and carelessly expressed.

Fifth, the prevailing sentiment of the time when the Constitution was framed was dislike and dread of Executive authority. It is hardly to be believed that so vast and dangerous a power would have been conferred upon the President, without providing some safeguards against its abuse.

Sixth, every judicial opinion, and every commentary on the Constitution, up to the period of the Rebellion, treated the power as belonging to Congress and to that department alone.

Taking thus the context, the universal understanding of the time, the contemporaneous exposition, the subsequent commentaries, and the political reasons which may be supposed to have affected the statesmen of that day, the argument should seem to

be conclusive that the power of suspending the privilege of the writ of *habeas corpus* appertains to the legislative department of the Government, and to that alone. It has, I know, been argued that there is an incongruity in authorizing Congress to suspend its own law. This is too narrow a view of the subject. The States have judicial establishments which can and do issue writs of *habeas corpus* a hundredfold more in number than the writs issued from the Federal courts. Indeed, it may be regarded as a provision made rather in reference to the writ of *habeas corpus* in the States than to the writ as likely to be issued under the authority of Congress.

The straits to which the country was reduced during the late wicked Rebellion, and the omission of Congress for two years to authorize the suspension of the privilege, gave rise to a series of discussions on the subject. Most of the writers — indeed, I believe, all but three — took decided ground for the interpretation which, I submit, is the true one. One of the three supposed the power to reside in the judicial department. Among those who thought it belonged to the Executive, there was one so able and distinguished that I cannot forbear mentioning his name in this connection. Horace Binney, *clarum et venerabile nomen*, argued, with all his ability, for that interpretation which gave the power to the President, to be exercised, not in a military, but in a civil capacity. The authority of that great man, the acknowledged head of the bar of his country, is such that, if it could not give the interpretation an adequate sanction, nothing else may be expected to do it.

Supposing, then, the power to belong to Congress, as I have endeavored to show that it does, we find it exercised by the Act of March 3d, 1863, and by none other. The first section of that act is as follows: —

"That during the present rebellion, the President of the United States, whenever in his judgment the public safety may require it, is authorized to suspend the privilege of the writ of *habeas corpus* in any case throughout the United States, or any part thereof. And whenever and wherever the said privilege shall be suspended, as aforesaid, no military or other officer shall be compelled, in answer to any writ of *habeas corpus*, to return the body of any person or persons detained by him by the authority of the President; but upon the certificate, under oath, of the officer having charge of any one so detained, that such person is detained by him as a prisoner, under

authority of the President, further proceedings under the writ of *habeas corpus* shall be suspended by the judge or court having issued the said writ, so long as said suspension by the President shall remain in force, and said rebellion continue.»

Without stopping to consider whether the power could be delegated by Congress, or, if it could, whether the delegation could be made in terms so general, I pass to an examination of the President's action under the act. There were two proclamations on the subject issued by him afterward. One was on the fifteenth of September, 1863, and declared:—

«That the privilege of the said writ shall now be suspended throughout the United States, in the cases where, by the authority of the President of the United States, military, naval, and civil officers of the United States, or any of them, hold persons under their command or in their custody, either as prisoners of war, spies, or aiders or abettors of the enemy, or officers, soldiers, or seamen enrolled or drafted, or mustered, or enlisted in or belonging to the land and naval forces of the United States, or as deserters therefrom or otherwise amenable to military law, or the rules and articles of war, or the rules and regulations prescribed for the military or naval forces, by authority of the President of the United States, or for resisting a draft, or for any other offense against the military or naval service.»

The proclamation of July 5th, 1864, related only to the State of Kentucky.

If, therefore, for the sake of the argument, we admit that, when the petitioner was first arrested, the privilege of the writ was suspended as to him, by virtue of the Act of March, 1863, and the President's proclamation of September 1863, it is, nevertheless, certain that under the first section of the act the writ ought to issue, leaving the further disposition of the case to depend upon the return or certificate mentioned in the section, and that, under the third section of the act, the suspension ceased at the end of twenty days from the twenty-seventh of January, 1865, that is, on the seventeenth of February of that same year. A term of the Circuit Court of the United States was held on the second of January, 1865, and adjourned on the twenty-seventh of the same month. At this time a grand jury was impaneled, sworn, and charged, and adjourned without finding any indictment or presentiment against the petitioners. The sentence

against them was approved and promulgated more than two months afterward. Therefore, by this act of Congress, duly passed and approved by the President, the petitioners were entitled to the writ, or an order in the nature of a writ, that they might be discharged.

And so we submit to the court that the answers to the three questions, certified by the court below, should be, to the first, that, on the facts stated in the petition and exhibits, a writ of *habeas corpus* ought to be issued according to the prayer of the petition; to the second, that, on the same facts, the petitioners ought to be discharged; and to the third, that the military commission had not jurisdiction to try and sentence the petitioners in manner and form as in the petition and exhibits is stated.

Thus may it please the court, have I performed the part assigned me in the argument of these cases. The materials were abundant. I only fear that I may have wearied you with the recital, or erred in the selection. I could not look into the pages of English law — I could not turn over the leaves of English literature — I could not listen to the orators and statesmen of England, without remarking the uniform protest against martial usurpation, and the assertion of the undoubted right of every man, high or low, to be judged according to the known and general law, by a jury of his peers, before the judges of the land. And when I turned to the history, legal, political, and literary, of my own country,—my own undivided and forever indivisible country,— I found the language of freedom intensified. Our fathers brought with them the liberties of Englishmen. Throughout the colonial history, we find the Colonists clinging, with immovable tenacity, to trial by jury, Magna Charta, the principle of Representation, and the Petition of Right. They had won them in the Fatherland in many a high debate and on many a bloody field; and they defended them here against the emissaries of the crown of England and against the veteran troops of France. We, their children, thought we had superadded to the liberties of Englishmen the greater and better guarded liberties of Americans.

These great questions, than which greater never yet came before this most august of human tribunals, are now to receive their authoritative and last solution. Your judgment will live when all of us are dead. The robes which you wear will be worn by others, who will occupy your seats, in long succession,

through, I trust, innumerable ages; but it will never fall to the lot of any to pronounce a judgment of greater consequence than this. It will stand when the statue, which with returning peace we have raised above the dome of the Capitol, shall have fallen from its pedestal, its sword broken, and its shield scattered in pieces; nay, when the dome itself, which, though uplifted into the air, seems immovable as the mountains, shall have crumbled; it will stand as long as that most imperishable thing of all, our mother tongue, shall be spoken or read among men.

That judgment, I hope and I believe, will establish the liberty of the citizen on foundations never more to be shaken, and will cause the future historian of our greatest struggle to write that, great as were the victories of our war, they were equaled in renown by the victories of our peace.

IN THE CASE OF McCARDLE — NECESSITY AS AN EXCUSE FOR TYRANNY

(From the Argument before the Supreme Court of the United States in the McCardle Case. By Permission, from the 'Life of David Dudley Field,' by Henry M. Field; Charles Scribner's Sons, New York, 1898. Copyright, 1898, by H. M. Field)

A POINT very much urged in the argument, and constantly referred to in public speeches, is Necessity! These military governments of the South, they say, are legal because they are necessary. The usual phrase is: "This government has a right to live, and no other government has a right to contest it; and whatever Congress determines as necessary to this national life is right." What necessity do they speak of? There is no Federal necessity. The Federal courts are open; the Federal laws are executed; the mails are run; the customs are collected. There is no interference with any commissioner or officer of the United States anywhere in the country. There is no necessity, therefore, of a Federal kind for the assumption of the government of Mississippi. What, then, is the necessity? Is that the reason why the military government is there? If you are to wait until you get repentant rebels,— or I should perhaps rather say, if you wait until you make rebels repentant by fire and sword,— you will have to wait many generations. Of all the arguments, that of necessity has the least force. "We will not allow the South-

ern States to govern themselves, because, if we do, the government will fall into the hands of unrepentant rebels!" Well, what is that to you if they obey the laws — if they submit to your government? Do you wish to force them to love you? Is that what you are aiming at? Of course, it should be the desire and the aim of all governments to make the people love as well as obey; but as an argument for a military government, it is an extraordinary one. "Well, then," they say, "we must protect the loyal men at the South, and therefore the military government, which is the only one adequate to the end, must be kept up." To that I answer, first, that the General of your armies, the person upon whom this extraordinary power has been thrown, himself certified that there was order throughout the South, so far as he could observe. But are there no other means than military coercion? The Union men of the South, we have been told, were in the majority, and have ever been in the majority, and it was the minority by which the people were driven into secession. Is government by the United States necessary to sustain the majority — a majority, we are told, of the white people? They say that secession was carried by a minority of the whites against the majority, and that the majority have always been loyal. That is a perfect answer, then, to the objection. "Necessity" is the reason given by tyranny for misgovernment all the world over. It was the reason given by Philip II. for oppressing the Netherlands by the Duke of Alva; it was the reason given for the misgovernment of Italy by Austria; it was the reason given for the misgovernment of Ireland by England.

"This nation has a right to live!" Certainly it has, and so have the States, and so have the people. Every one of us has the right, and the life of each is bound up with the life of all. For who compose my nation, and what constitutes my country? It is not so much land and water. They would remain ever the same, though an alien race occupied the soil; there would be the same green hills, and the same sweet valleys, the same ranges of mountains, and the same lakes and rivers; but all these combined do not make up my country. They are the body without the soul. That word "country" comprehends within itself place and people and all that history, tradition, language, manners, social culture, and civil polity, have associated with them. This wonderful combination of State and nation, which binds me to both by indissoluble ties, enters into the idea of my country. Its

name is the United States of America. The States are an essential part of the name and of the thing. They are represented by the starry flag, which their children have borne on so many fields of glory, the ever-shining symbol of one nation and many States. They are not provinces or countries; they are not principalities or dukedoms; but they are free republican States, sovereign in their sphere, as the United States are sovereign in theirs; and all essential elements of that one, undivided, and indissoluble country, which is dearer than life, and for which so many have died. As the State of New York would not be to me what it is, if, instead of the free, active Commonwealth, it were to subside into a principality or a province, so neither would the United States be to me what they are, if, instead of a union of free States, they were to subside into a consolidated empire. For such an empire, we have not borne the defeats and won the victories of civil war.

THE COST OF «BLOOD AND IRON»

(Delivered at the banquet of the Inter-Parliamentary Conference, Held During the Summer of 1890. By permission from the 'Life of David Dudley Field,' by Henry M. Field. Charles Scribner's Sons, New York, 1898. Copyright, 1898, by H. M. Field)

My Lords and Gentlemen:—

I AM going to preach you a very short sermon upon the text proposed by Mr. Shaw-Lefevre — an International Parliamentary movement. Last week I had the honor of being present at an unofficial Congress, composed of private individuals of many nations, earnestly bent on doing what they might to further the cause of international arbitration. To-night I am proud to address a body of parliamentary representatives inspired by the same lofty ideal.

I hear the people declare us enthusiasts, dreamers, unpractical folk chasing a phantom. But stop a moment! Think a moment! Is it true that we are unpractical? What is that prayer we hear Sunday after Sunday, "Give peace in our time, O Lord"? What does that mean? It means that we have the consciences of the world with us. Things change as time rolls on. Suppose the common people in the time of the Plantagenets and Tudors had claimed the right to manage the affairs of the nation. What would the nobles have said? But what do the nobles say now?

We are called unpractical, but when the German Emperor demands more battalions for his armies, and a representative of the groaning German people rises in the Reichstag and asks with whose blood and whose money those battalions are to be paid for — is that unpractical? And when the statistician tells you Englishmen that during the whole of this country, for every pound of public money raised, 16s. 3½d. have been spent for war — is that unpractical? And when you learn that to-day out of six hundred and seventy members of the House of Commons there are two hundred and thirty-four ready to vote for an arbitration treaty, and that if only one hundred more members will join us, the problem is solved — is that unpractical?

No! we are not visionaries in fighting the battle of civilization. The contest may be long, but the victory is sure. We may not see it in our day, but our children will, when the church bells shall ring all over the world for the coming of universal peace.

SIR HENEAGE FINCH

(1621–1682)

IN OPENING the case against Major-General Harrison and the other regicides, in 1660, Solicitor-General Finch had one of the greatest oratorical opportunities of modern history. It can be said of his speech as of that of Deseze defending Louis XVI., that it has in it something of the dignity of the occasion, without its inspiration. Finch was an able lawyer, and a still abler courtier who expected, in prosecuting the King's enemies, the promotion which would come from the King's favor. He had no difficulty in convicting Harrison, and his promotion thereafter was steady. In 1673, he was made Lord Keeper of the Seals; in 1674, Lord Chancellor; and in 1681, Earl of Nottingham. He died December 18th, 1682, at the age of sixty-one.

OPENING THE PROSECUTIONS FOR REGICIDE UNDER CHARLES II.

(Delivered at the Trial of Thomas Harrison for Killing Charles I. — Sessions House of the Old Bailey, London, October 11th, 1660)

MAY it please your lordships, we bring before your lordships into judgment this day the murderers of a King. A man would think the laws of God and men had so fully secured these sacred persons, that the sons of violence should never approach to hurt them. For, my lord, the very thought of such an attempt hath ever been presented by all laws in all ages, in all nations of the world, as a most unpardonable treason. My lord, this is that which brought the two eunuchs in the Persian court to their just destruction; *Voluerunt insurgere*, says the text, and yet that was enough to attaint them. And so, my lords, it was by the Roman laws too, as Tacitus observes: *Qui deliberant, desciverunt.* To doubt or hesitate in a point of allegiance is direct treason and apostasy. And upon this ground it is that the statute upon which your lordships are now to proceed hath these express words: "If a man doth compass or imagine the death of the King," etc. Kings, who are "God's vicegerents upon the

earth," have thus far a kind of resemblance of the divine majesty, that their subjects stand accountable to them for the very thoughts of their hearts. Not that any man can know the heart, save God alone; but because when the wicked heart breaks out into any open expressions, by which it may be judged, it is the thoughts of the heart which make the treason; the overt act is but the evidence of it.

My lords, this care and caution is not so to be understood, as if it were the single interest of one royal person only. The law doth wisely judge and foresee that upon the life of the King depend the laws and liberties, the estates and properties, the wealth and peace, the religion, and, in sum, the glory of the nation.

My lords, this judgment of the law has been verified by a sad experience; for when that blessed King (whose blood we are now making inquisition for) was untimely taken away, religion and justice both lay buried in the same grave with him; and there they had slept still, if the miraculous return of our gracious sovereign had not given them a new resurrection.

My lords, my Lord Coke in his comment upon this statute has one conceit, which is somewhat strange; I am sure it is very new; he seems to think that it would have added to the perfection of this law, if there had been a time limited for the party to be accused. But certainly the work of this day has quite confuted that imagination. For here is a treason that has so long outfaced the law and the justice of this kingdom, that if there had been any time of limitation in the statute, there would have been no time nor place left for punishment. And if this treason had but once grown up to an impunity, it might, perhaps, have drawn the guilt of that innocent blood, and with it the vengeance due to it, upon the whole nation.

The scope of this indictment is for compassing the death of the King. The rest of the indictment, as the usurping authority over the King's person, the assembling, sitting, judging, and killing of the King, are but so many several over-acts to prove the intention of the heart. We are not bound, under favor, to prove every one of these against every particular person that is indicted; for he that is in at one, is guilty, in law, of all the rest, as much as if he had struck the fatal stroke itself; nay, under favor, if we can prove any other over-act besides what is laid in the indictment, as the encouraging of the soldiers to cry out

"Justice! justice!" or preaching to them to go on in this work, as godly and religious, or any other act of all that catalogue of villainies, for which the story will be forever infamous, this may be given in evidence to prove the compassing and imagining the King's death. The conclusion of this indictment alleges the fact done to be to the great displeasure of Almighty God, and to the disgrace of the people of England — a truth so clear and known, that it can neither be heightened by any aggravation, or lessened by any excuse.

As for the fact itself, with the manner of it, I shall not need to open it at large, for these things were not done in a corner; every true English heart still keeps within itself a bleeding register of this story; only, my lords, in the way to our evidence, with your lordships' favor, this, I think, may be fit to be said:—

First, for the year 1648 (for that was the fatal year of that King, and beyond that year we shall not now inquire), I say, whatsoever in the year 1648 could have been done by a Parliament to save the life of a King was done in this case.

They opened the way to the treaty in spite of the army; and while these sons of Zeruiah, who were too hard for them, were engaged in service in the remoter parts, they hastened the treaty as much as possible; the debates upon his Majesty's concessions were voted a good ground for peace; notwithstanding the remonstrances of the army still flew about their ears, and notwithstanding the oppositions of a fearful and unbelieving party of the House of Commons, whom the army had frighted into an awful and a slavish dependence upon them. And when nothing else could be done for him, they were so true to the obligations they lay under, that they resolved to fall with him, and they did so. For the army, who saw the treaty proceed so fast, made as great haste to break it. They seize upon the blessed person of our sacred King by force and bring him to London; and here they force the Parliament, shut out some Members, imprison others, and then call this wretched little company which was left a Parliament. By this, and before they had taken upon them the boldness to dissolve the House of Peers, they pass a law, and erect, forsooth! "an High Court of Justice" (as they call it! A shambles of justice!), appoint judges, advocates, officers, and ministers, to sit upon the life of the King. Now they speak out and expound their own declarations, and tell us what that was which before they had demanded in obscure terms when they called

for justice against all delinquents. Now they speak plainly what they mean, and call this blessed King, this glorious saint, "the Grand Delinquent":—

"*Hæc acies victum factura nocentem est.*"

My lords, when they had thus proceeded to appoint their judges, officers, and court, then they called this person, their only liege-lord and sovereign, to the bar, and by a formal pageantry of justice proceeded to sit upon him, arraign, try, sentence, condemn, and kill—I had almost said "crucify"—him, whom they could not but know to be their King! And all this against the clearest light, the sharpest checks, and most thorough convictions of conscience that ever men resisted. And yet, in this moment of time, such was the majesty and innocence of our gracious sovereign, that the people followed him with tears in their eyes, and acclamations in their mouths, "God save the King!" even then, when the soldiers were ready to fire upon them who did either look sadly or speak affectionately. And yet it will appear upon our evidence, too, that so few of the very common soldiers could be brought to approve these proceedings, or to cry out "Justice!" that their officers were fain by money or blows, or both, to bring a great many to it.

My lords, the actors in this tragedy were many, very many,—so many, that sure their name is legion, or rather many legions. And certainly, my lords, when we shall consider the things that they have done, we cannot but look upon it as a villainy which had in it all the ingredients to make it detestable, that it was possible for the counsel of men, or devils either, to put together. But yet, if anything can be of a deeper dye than the guilt of that sacred blood wherewith they stand polluted, methinks their impudence should make them more odious than their treason. It was the destruction of God's Anointed, in the name of the Lord. It was the murder of a most blessed and beloved prince, in the name of his people. Him whom they had taken the transcendent boldness to imprison, as the author of the war, they put to death, because he would have been the author of our peace; and that with so much scorn and indignity, that some of them were not ashamed to spit in the face of our lord and sovereign. And when they had thus quenched the light of Israel, darkness and confusion did overspread the face of the land; many poor subjects at home, and some Protestants in foreign nations, at the

very news of it fell down dead; as if this excellent King had been in a natural as well as a religious sense, the breath of our nostrils, the Anointed of the Lord, who was taken in their pits. The judges, officers, and other immediate actors in this pretended court were in number about fourscore; of these some four or five and twenty are dead, and gone to their own place. The God of recompenses hath taken the matter so far into his own hands; and who knows but that it might be one dreadful part of his vengeance that they died in peace? Some six or seven of them, who were thought to have sinned with less malice, have their lives spared indeed, but are like to be brought to a severe repentance by future penalties. Some eighteen or nineteen have fled from justice, and wander to and fro about the world with the mark of Cain upon them, and perpetual trembling, lest every eye that sees them, and every hand that meets them, should fall upon them. Twenty-nine persons do now expect your justice. Amongst them, the first that is brought is the prisoner at the bar, and he deserves to be the first; for if any person now left alive ought to be styled the conductor, leader, and captain of all this work, that is the man. He, my lord, brought the King up a prisoner from Windsor; but how, and in what manner, with how little duty, nay, with how little civility, to a common person, you will hear in time. He sat upon him, sentenced him, he signed the warrant first to call that court together, then the bloody warrant to cut off his sacred head. Against him, as against all the rest, our evidence will be of two sorts; witnesses *viva voce*, that shall first prove to your lordships that every person now in question did sit in that court, when their King stood as a prisoner at the bar. We shall prove that the precept by which this pretended court was summoned was not obeyed and executed, till it had had the hands and seals of most of the pretended judges; among the rest the hand of the prisoner at the bar will be found there. We shall prove his hand to the bloody warrant for severing the sacred head of our blessed sovereign from the body, and then some circumstances of his malice and of his demeanor. And after we have done with our witnesses *viva voce*, if we have occasion to use records of Parliament, we shall show them too,—for we have the originals or authentic copies. But now we shall proceed to our evidence.

JOHN FISHER

(1459(?)–1535)

FISHER'S 'Sermons on the Psalms' are admirable examples of Saxon-English. In eloquence they will not suffer by comparison with the best examples of other pulpit orators in his day or in the Shakespearean age. He was born at Beverly in Yorkshire about 1459. Graduating at Cambridge in 1487, he was made Vice-Chancellor of the University in 1501 and professor of divinity two years later. In 1504, he became Chancellor of the University, a position to which he was repeatedly re-elected. In the same year he was made Bishop of Rochester, and both as an educator and an ecclesiastic he seems to have used his influence in the interest of liberalism and the advancement of learning. He was the friend of Erasmus, and the promoter of the classical scholarship from which, at the first revival of ancient learning, so much was expected. As he would not lend his countenance to the divorce of Catherine of Aragon and the policies of Henry VIII., he fell into great disfavor at court, and on his refusal to comply with the act of Succession and the act of Supremacy, the King had him beheaded on Tower Hill, June 22d, 1535.

THE JEOPARDY OF DAILY LIFE

(From His 'Sermons on the Psalms')

THAT man were put in great peril and jeopardy that should hang over a very deep pit holden up by a weak and slender cord or line, in whose bottom should be most wood and cruel beasts of every kind, abiding with great desire his falling down, for that intent when he shall fall down anon to devour him, which line or cord that he hangeth by should be holden up and stayed only by the hands of that man, to whom by his manifold ungentleness he hath ordered and made himself as a very enemy. Likewise, dear friends, consider in yourselves. If now under me were such a very deep pit, wherein might be lions, tigers, and bears gaping with open mouth to destroy and devour me at my falling down, and that there be nothing whereby I might be holden up and succored, but a broken bucket or pail

which should hang by a small cord, stayed and holden up only by the hands of him to whom I have behaved myself as an enemy and adversary, by great and grievous injuries and wrongs done unto him, would ye not think me in perilous conditions? Yes, without fail! Truly all we be in like manner. For under us is the horrible and fearful pit of hell, where the black devils in the likeness of ramping and cruel beasts do abide desirously our falling down to them. The lion, the tiger, the bear, or any other wild beast, never layeth so busily await for his prey, when he is hungry, as do these great and horrible hell hounds, the devils, for us. Of whom may be heard the saying of Moses: *Dentes bestiarum immittam in eos cum furore trahentium atque serpentum.* I shall send down among them wild beasts to gnaw their flesh, and with the woodness of cruel birds and serpents drawing and tearing their bones. There is none of us living but that is holden up from falling down to hell in as feeble and frail vessel, hanging by a weak line as may be. I beseech you what vessel may be more bruckle and frail than is our body that daily needeth reparation. And if thou refresh it not, anon it perisheth and cometh to naught.

An house made of clay, if it be not oft renewed and repaired with putting to of new clay, shall at the last fall down. And much more this house made of flesh, this house of our soul, this vessel wherein our soul is holden up and borne about, but if it be not refreshed by oft feeding and putting to of meat and drink, within the space of three days it shall waste and slip away. We be daily taught by experience how feeble and frail man's body is. Also, beholding daily the goodly and strong bodies of young people, how soon they die by a short sickness. And, therefore, Solomon, in the book called Ecclesiastes, compareth the body of man to a pot that is bruckle, saying: *Memento creatoris tui in diebus juventutis tuæ, antequam conteratur hydria super fontem.* Have mind on thy Creator and Maker in the time of thy young age, or ever the pot be broken upon the fountain, that is to say, thy body, and thou, peradventure, fall into the well, that is to say, into the deepness of hell. This pot, man's body, hangeth by a very weak cord which the said Solomon in the same place calleth a cord or line made of silver. *Et antequam rumpatur funiculus argenteus.* Take heed, he saith, or ever the silver cord be broken. Truly this silver cord whereby our soul hangeth and is holden up in this pot, in this frail vessel our body, is the life of man. For as a little cord or line is made or woven of a few

threads, so is the life of man knit together by four humors, that as long as they be knit together in a right order, so long is man's life whole and sound. This cord also hangeth by the hand and power of God. For as Job saith: *Quoniam in illius manu est anima* (*id est vita*) *omnis viventis.* In this hand and power is the life of every living creature. And we by our unkindness done against his goodness have so greatly provoked him to wrath that it is a marvel this line should be so long holden up by his power and majesty; and if it be broken, this pot, our body, is broken, and the soul slippeth down into the pit of hell, there to be torn and all to rent of those most cruel hell hounds. Oh! good Lord, how fearful condition stand we in if we remember these jeopardies and perils; and if we do not remember them, we may say: Oh, marvelous blindness, ye are madness, never enough to be wailed at, cried out upon. Heaven is above us, wherein Almighty God is resident and abiding, which giveth himself to us as our father, if we obey and do according unto his holy commandments. The deepness of hell is under us, greatly to be abhorred, full of devils. Our sins and wickedness be afore us. Behind us be the times and spaces that were offered to do satisfaction and penance, which we have negligently lost. On our right hand be all the benefits of our most good and meek Lord, Almighty God, given unto us. And on our left hand be innumerable misfortunes that might have happened if that Almighty God had not defended us by his goodness and meekness. Within us is the most stinking abomination of our sin, whereby the image of Almighty God in us is very foul deformed, and by that we be made unto him very enemies. By all these things before rehearsed, we have provoked the dreadful majesty of him unto so great wrath that we must needs fear lest he let fall this line, our life, from his hands, and the pot, our body, be broken, and we then fall down into the deep dungeon of hell. Therefore, what shall we wretched sinners do, of whom may help and succor be had and obtained for us? By what manner of sacrifice may the wrath and ire of so great a majesty be pacified and made easy? Truly the best remedy is to be swift in doing penance for our sins. He only may help them that be penitent. By that only sacrifice his ire is mitigate and suaged chiefly. Our most gracious Lord Almighty God is merciful to them that be penitent. Therefore, let us now ask his mercy with the penitent prophet David. Let us call and cry before the throne of his grace, saying: *Miserere mei deus.* God have mercy on me!

JOHN FLAXMAN

(1755–1826)

THE address on Physical and Intellectual Beauty in man delivered by Flaxman before the English Royal Academy is a model of eloquence,—one of the masterpieces of English oratory and of modern literature. Symonds, in his 'Studies of the Greek Poets,' says of Flaxman:—

«Nature, so prodigal to the English race in men of genius untutored, singular and solitary, has given us but few seers who, in the quality of prolific invention, can be compared with Flaxman. For pure conceptive faculty, controlled by unerring sense of beauty, we have to think of Phidias or Raphael before we can find his equal.»

He expresses in words in such addresses as this the same sense of beauty and of fitness he shows in his illustrations of Homer and in his sculptures. He was born at York, July 6th, 1755—the son of a poor molder of plaster images. Self-educated, he learned to read Virgil and Homer without a tutor, and entering the Royal Academy at the age of fifteen, he became a professor of Sculpture in it in 1810. His lectures and addresses before it have no equal in their class. The one here given entire is remarkable, not only for its beauty of expression, but for its comprehensive statement of the theory of Evolution afterwards developed by Darwin.

PHYSICAL AND INTELLECTUAL BEAUTY

(Delivered before the President and Members of the Royal Academy)

THAT beauty is not merely an imaginary quality, but a real essence, may be inferred from the harmony of the universe; and the perfection of its wondrous parts we may understand from all surrounding nature; and in this course of observation we find that man has more of beauty bestowed on him as he rises higher in creation.

In the contemplation of our solar system, the splendor of the sun and inferior planets, their magnitude, almost incomprehensible to us, their gravitation, the vastness of their revolutions,

bringing the regular succession and return of day and night, with the different seasons, all astonish us in their various circumstances; if we proceed in observation to the starry heavens, crowded with suns, the centres of other systems, we are lost in amazement, and our faculties are overwhelmed.

The objects which surround us on the earth we inhabit are more commensurate to our comprehension and intelligence, and in them we trace wonders equally enforcing by their beauty and order the conviction of power and goodness.

The earth, its history and productions — the sea, its phenomena and contents — the vegetable and mineral kingdoms — have employed, and will continue to employ, the wisest of men in the most delightful speculations and extraordinary discoveries.

The pursuit of each person must be allotted by his station, whilst the industry of each contributes to the circle of knowledge.

Our present object will be, after some general observations on the animal kingdom, to inquire into the excellence of man in his real essence, and its effects on his external appearance — his intelligible alliance with superior natures, or degeneracy and abasement in resemblance to the brutes.

Among the many examples in natural philosophy and history of the gradual and uninterrupted connection of being, from the highest to the lowest, as far as our perceptions will penetrate, the animal kingdom offers most striking and stupendous instances.

There is a resemblance in the organization and bodily form of all animals, which varies, by almost imperceptible gradations, through all the links of this chain, from man to the worm or vegetable.

The anatomical form and organization of the orang-outang bears a near resemblance to the anatomy of man; this configuration continues in squirrels, rats, and mice, until the bat, or flying mouse, unites the race of quadrupeds with birds; in the same manner the kangaroo and jerboa, with very short fore-legs, and walking on the hind legs only, unite quadrupeds with another class of birds, which do not fly,— the penguin, the cassowary, and the ostrich.

The crocodile and alligator unite the race of four-footed beasts with the superior class of reptiles, such as the lizard and the eft, until the frog, being a tadpole in its infant state, belongs to the class of fishes.

The smaller and more imperfect birds approach to the resemblance of the larger butterflies and moths.

The order of flies at length terminates so exactly in the resemblance of a leaf, that it might be taken for one, did not experiment prove, by the heart, lungs, and anatomical properties, the fly to be perfectly animal, whilst a totally different organization proves the other to be positively vegetable.

Professor Camper, in the most ingenious and valuable notes to his lectures, shows that the figure and organization of man contain the principles on which the structure of all inferior animals is formed, and from which they are removed by gradual imperfections.

Four-footed animals, although their general forms and anatomy bear strong likeness to the human figure, differ from it in these respects: the brain-pan is less; the nose and jaws have greater projection,—their view is downwards; the body is supported in a horizontal line by four legs terminated by paws or hoofs; the interior organization differs in correspondence with the external figure.

The variation of the bird from the beast is that the nose and jaws of one become a beak in the other, the front legs, having lost the paws, are folded up by the sides and are wings.

In fishes the head is set immediately on the body; they have no legs, their places are supplied by fins, which guide them through the waters.

All these various orders are wonderfully formed in fitness for the elements they inhabit and the purposes of their lives. As their history extends through a large and very interesting portion of creation, so the principles of their conformation and powers comprehend a considerable share of natural science.

The forms of the bones and anatomy contain the geometrical forms, as the motions of the body, limbs, and interior demonstrate the mechanical powers.

The preparation, secretion, and fermentation of the juices are chemical; hydraulics are in the conveyance and motion of the juices; pneumatics in the various modes of breathing; electricity in the effects of heat on the body; and optics in the organs of sight.

Such general observations relate to the bodies of man and other animals; but we must remember that man, even in the structure of his body, is the most perfect of all creatures; and the

above remarks are only offered to call the attention to the wonderful extent of creation, and the harmony, order, and beauty of its whole connection and disposition.

But in treating of man in particular, our subject is the most perfect production of Almighty power in the visible world, the faculties of whose soul place him far above other creatures, and declare the nearer relation he stands in to his divine Creator.

By the wisdom he is endowed with, all creatures are subjected to his dominion; by his affections he is enabled to perform all the charities of life — to prefer the interests of others to his own — to distinguish personal beauty as the indication of good disposition and health — to trace his Creator in his works, and offer the homage of his worship; in all which he is superior to the brute animals, whose exertions are the consequence of instinct for the preservation of themselves and progeny, and whose reasoning has never been discovered to go beyond these purposes, or some particular attachment.

As the affections of man stimulate and engage him in every act, so his understanding directs the means and looks to the end in every employment through life. These modify the exterior of the face and figure, according to constant habit or momentary impulse.

The passionate are known by quick, fiery glances, swollen brows, dilated nostrils, the mouth a little open, the movements of the whole figure sudden, the muscles of the body being disposed to rigidity and contraction.

The melancholy have a general dejection of look, the exterior corners of the eyes and eyebrows tending downwards, a universal slowness of motion and disregard of outward objects.

Every passion, sentiment, virtue, or vice have their corresponding signs in the face, body, and limbs, which are understood by the skillful physician and physiognomist, when not confused by the working of contrary affections, or hidden by dissimulation.

In the formation and appearance of the body, we shall always find that its beauty depends on its health, strength, and agility, most convenient motion and harmony of parts in the male and female human figure, according to the purpose for which they were intended; the man for greater power and exertion, the woman for tenderness and grace. If these characteristics of form are animated by a soul in which benevolence, temperance, fortitude, and the other moral virtues preside, unclouded by vice,

we shall recognize in such a one perfect beauty, and remember that "God created man in his own image."

We know that sickness destroys the complexion and consumes the form, until that which was once admired for grace and attractive loveliness becomes a ghastly spectre; and is it not equally evident that brutal ferocity, revenge, hypocrisy, or any other of the malignant passions, still more effectually destroy the very traces of beauty by reducing man to a savage beast in his most degraded state?

The most perfect human beauty is that most free from deformity, either of body or mind, and may be, therefore, defined:—

"The most perfect soul in the most perfect body."

Doubts can scarcely be entertained that there are principles of beauty, because various opinions prevail in different countries on the subject.

Men are in different states of mental and bodily improvement, from the most savage to the most civilized countries, and we know that many successive ages must pass in the confirmation of moral habits, the right direction of reason and elevation of intellect, before man can judge, with any tolerable ability, of mental or natural beauty, their causes, relations, and effects; and that in all states of society, there must be allowance for prejudice and climate. But we shall certainly find that the wisest and the best men in all ages and countries have held nearly the same doctrine on this subject.

The excellence of intellect and moral beauty was asserted by Menu, the Indian legislator; Confucius, the Chinese philosopher; Zoroaster, the Persian sage; and by the Egyptian priests.

Pythagoras, who had studied their wisdom, understood the dispositions of the mind by its influence expressed in the exteriors of the body; and accordingly, Iamblichus, his biographer, tells us he would observe the countenance, figure, looks, movements, manner of speaking, and tone of voice, until he was accurately acquainted with any one's character.

Our present purpose particularly requires we should consider the sentiments of the most celebrated Greeks on beauty, the connection of mental and bodily beauty, and their expression in the human form.

Homer constantly endows his gods with personal beauty, accommodated to their mental perfection and immortal power, and his heroes with the attributes of gods; thus, as he gives to Jupiter the epithets of "Counselor" and "Provident," he describes his hair as "divine," "ambrosial," and his nod as making the world tremble; Juno, he calls the "ox-eyed," and the "white-armed"; Minerva, "the blue-eyed virgin." Achilles, the hero of the 'Iliad,' is the handsomest man that went to Troy; his epithets are, "divine," "godlike," "swift-footed"; Agamemnon is called "the king of men"; Nestor and Ulysses are said to be "in council like other gods,"—all expressing the union of mental and bodily excellence.

That the same sentiments continued in aftertimes, we have the coeval testimonies of the most illustrious philosophers, tragedians, orators, and artists.

In Plato's 'Dialogue of Phædrus,' concerning the beautiful, he shows the power and influence of mental beauty on corporeal, and in his dialogue, entitled 'The Greater Hippias,' Socrates observes in argument, "that as a beautiful vase is inferior to a beautiful horse, and as a beautiful horse is not to be compared to a beautiful virgin, in the same manner, a beautiful virgin is inferior in beauty to the immortal gods; for," says he, "there is a beauty incorruptible, ever the same." It is remarkable that, immediately after, he says: "Phidias is skillful in beauty."

Aristotle, the scholar of Plato, begins his 'Treatise on Morals' thus: "Every art, every method and institution, every action and council, seems to seek some good; therefore, the ancients pronounced the beautiful to be the good."

Much, indeed, might be collected from this philosopher's treatises on morals, poetics, and physiognomy, of the greatest importance to our subject; but for the present we shall produce only two quotations from Xenophon's 'Memorabilia,' which contain the immediate application of these principles to the arts of design.

In the dialogue between Socrates and the sculptor Clito, Socrates concludes that "Statuary must represent the emotions of the soul by form"; and in the former part of the same dialogue, Parrhasius and Socrates agree that "the good and evil qualities of the soul may be represented in the figure of man by painting."

In the applications from this dialogue to our subject, we must remember philosophy demonstrates that rationality or intelligence, although connected with animal nature, rises above it, and properly exists in a more exalted state.

From such contemplations and maxims, the ancient artists sublimated the sentiments of their works expressed in the choicest forms of nature; thus they produced their divinities, heroes, patriots, and philosophers, adhering to the principle of Plato, that "nothing is beautiful which is not good"; it was this which, in ages of polytheism and idolatry, still continued to enforce a popular impression of divine attributes and perfection.

ESPRIT FLÉCHIER

(1632–1710)

ESPRIT FLÉCHIER, Bishop of Nîmes, was one of the most celebrated preachers of his day, and he is still ranked by some with Bossuet and Massillon among the great pulpit orators of France. He was born at Pernes, June 10th, 1632, and educated under his uncle, Hercule Audifret, a noted preacher, who was general of the "Fathers of the Congregation of Christian Doctrine."

Fléchier won his first celebrity by the composition of Latin verse, and being thrown into the society of Colbert, and other great men, he gained opportunities for distinction he was not slow to improve. His sermons, and especially his funeral orations, made him one of the most admired men in France. The oration on Turenne is considered his masterpiece. It is in a style of eulogy grateful to the seventeenth and eighteenth centuries, but at times repugnant to modern taste.

In great favor at court, Fléchier won promotion after promotion, until he became a Bishop of Nîmes in 1687. He became celebrated for good works, as for eloquence, and in an age of bigotry he made no distinction of creeds, declaring that those who needed his help were alike his children, whether they were Protestant or Catholic. He died February 16th, 1710.

THE DEATH OF TURENNE

(Peroration of the Oration on the Death of Henri de la Tour D'Auvergne, Viscount Turenne, Delivered at Paris, January 10th, 1676)

How difficult it is to be at once victorious and humble! Military success leaves in the mind I know not what exquisite pleasure, which fills and absorbs it. In such circumstances, one attributes to himself a superiority of force and capacity. He crowns himself with his own hands; he decrees to himself a secret triumph; he regards as his own the laurels which he gathers with infinite toil, and frequently moistens with his blood; and even when he renders to God solemn thanks, and hangs in his temples the torn and blood-stained trophies which he has taken from the enemy, is not vanity liable to stifle a portion of his

gratitude, and mingle with the vows which he pays to God, applauses which he thinks due to himself; at least, does he not retain some grains of the incense which he burns upon his altars?

It was on such occasions that Marshal Turenne, renouncing all pretensions, returned all the glory to him to whom it legitimately belongs. If he marches, he acknowledges that it is God who protects and guides him; if he defends fortresses, he knows that he defends them in vain if God does not guard them; if he forms an intrenchment, he feels that it is God who forms a rampart around him to defend him from every attack; if he fights, he knows whence to draw all his force; and if he triumphs, he thinks that he sees an invisible hand crowning him from heaven. Referring thus all the favors he receives to their origin, he thence derives new blessings. No longer does he fear the enemies by whom he is surrounded; without being surprised at their numbers or strength, he exclaims with the prophet: "Some trust in their horses and chariots, but we will trust in the Almighty." In this steadfast and just confidence, he redoubles his ardor, forms great designs, executes great things, and begins a campaign, which appears as if it must prove fatal to the empire.

He passes the Rhine, and eludes the vigilance of an accomplished and prudent general. He observes the movements of the enemy. He raises the courage of the allies; controls the suspicions and vacillating faith of neighboring powers. He takes away from the one the will, from the other the means of injuring him; and profiting by all those important conjunctures which prepare the way for great and glorious events, he leaves to fortune nothing which human skill and counsel can take from him. Already has a panic seized the enemy. Already has that eagle taken its flight to the mountains, whose bold approach alarmed our provinces. Those brazen mouths, invented by the bottomless pit for the destruction of men, thunder on all sides, to favor and precipitate the retreat; and France, in suspense, awaits the success of an enterprise which, according to all the rules of war, must be infallible.

Alas! we knew all that we might hope, but we knew not all that we might fear. Divine Providence concealed from us a calamity greater than the loss of a battle. It was to cost a life which each of us would have been willing to redeem with his own; and all that we could gain was of less value than what we were to lose. O God! terrible but just in thy counsels toward

the children of men, thou disposest of victors and victories! To fulfill thy pleasure, and cause us to fear thy judgments, thy power casts down those whom it has lifted up. Thou sacrificest to thy Sovereign Majesty the noblest victims, and strikest, at thy pleasure, those illustrious heads which thou hast so often crowned!

Do not suppose, messieurs, that I am going to open here a tragic scene; to represent that great man stretched upon his own trophies; to uncover that body, blood-stained and ghastly, over which still lingers the smoke of the thunder which struck it; to cause his blood, like that of Abel's, to cry from the ground, or expose to your eyes the mournful images of your country and religion in tears! In slight losses we may thus surprise the pity of our auditors, and by studied efforts draw from their eyes a few forced and useless tears. But we describe, without art, a death which we mourn without deceit. Every one finds in himself the source of his grief, and reopens his own wound; and it is not necessary to excite the imagination in order to affect the heart.

Here I am almost forced to interrupt my discourse. I am troubled, messieurs! Turenne dies! All is confusion — fortune vacillates — victory leaves us — peace takes its flight — the good intentions of the allies relax — the courage of the troops fails with grief, anon burns with vengeance — the whole army remain motionless. The wounded think of the loss which they have suffered, and not of the wounds which they have received. Dying fathers see their sons weeping over their dead general. The army, in mourning, is engaged in rendering him funeral honors, and fame, which delights to spread through the world extraordinary events, goes to make known through Europe the glorious history of the Prince's life, and the regrets occasioned by his death.

What sighs, what lamentations and praises, then re-echo through the cities and the country. One, looking upon his growing crops, blesses the memory of him to whom he owes the hope of his harvest. Another, who enjoys in repose the heritage which he received from his fathers, prays that eternal peace may be his who saved him from the horrors and cruelties of war. Here they offer the adorable sacrifice for him who sacrificed his life for the public good. There others prepare for him a funeral service, where they expected to prepare a triumph. Each selects for praise that point in his glorious life which appears the most

illustrious. All unite in his eulogy. With mingled sobs and tears, they admire the past, regret the present, and tremble for the future. Thus the whole empire mourns the death of its defender. The loss of a single man is felt to be a public calamity.

Wherefore, my God, if I may presume to pour out my heart in thy presence, and speak to thee, who am but dust and ashes, wherefore did we lose him in our most pressing necessity, in the midst of his greatest achievements, at the highest point of his valor, and in the maturity of his wisdom? Was it that, after so many actions worthy of immortality, he had nothing further of a mortal nature to perform? Had the time arrived when he was to enjoy the reward of so many virtues, and receive from thee the crown of righteousness which thou reservest for such as have finished a glorious career? Perhaps we placed too much confidence in him, for thou forbiddest us in the Sacred Scriptures to trust in an arm of flesh, or put confidence in the children of men. Perhaps it was a punishment of our pride, ambition, and injustice. As the gross vapors ascend from the depths of the valleys and form themselves into thunder which falls upon the mountains, so rises from the hearts of the people those iniquities, the punishment of which falls upon the heads of such as govern and defend them. I presume not, O Lord, to sound the depths of thy judgments, nor to discover the secret and inscrutable causes from which thy justice or thy mercy acts. It is my duty and desire only to adore! But thou art just, and thou hast afflicted us. And in an age so corrupt as ours, we need not seek elsewhere the causes of our calamities than in the disorder of our manners.

Let us, then, messieurs, derive from our sorrows motives for penitence, and seek only in the piety of that great man true and substantial consolation. Citizens, strangers, enemies, nations, kings, and emperors, mourn and revere him. Yet what can all this contribute to his real happiness? His king even, and such a king! honors him with his regrets and tears—a noble and precious mark of affection and esteem for a subject, but useless to a Christian. He shall live, I acknowledge, in the minds and memories of men, but the Scripture teaches us that the thoughts of man, and man himself, are but vanity. A magnificent tomb may inclose his sad remains; but he shall rise again from that superb monument, not to be praised for his heroic exploits, but to be judged according to his work, whether good or bad. His ashes

shall mingle with those of the numerous kings who governed the kingdom which he so generously defended; but, after all, what remains under those precious marbles, either to him or to them, of human applause, the pomp of courts, or the splendor of fortune, but an eternal silence, a frightful solitude, and a terrible expectation of the judgment of God? Let the world, then, honor as it will the glory of man, God only is the recompense of faithful Christians.

O death, too sudden! nevertheless, through the mercy of God, long anticipated, of how many edifying words and holy examples hast thou deprived us? We might have seen him, sublime spectacle! a Christian dying humbly in the midst of triumphs and victories. With what profound sincerity would he have mourned his past errors, abasing himself before the majesty of God, and imploring the succor of his arm, not against visible enemies, but against the enemies of his salvation! His living faith and fervent charity, doubtless, would have deeply affected our hearts; and he might have remained to us a model of confidence without presumption, of fear without feebleness, of penitence without artifice, of constancy without affectation, and of a death precious in the sight both of God and of man.

Are not these conjectures just? They were involved in his character. They were his cherished designs. He had resolved to live in a manner so holy that it is presumed he would have died in the same way. Ready to cast all his crowns at the feet of Jesus Christ, like the conquerors in the Apocalypse, ready to gather together all his honors, and dispossess himself of them, by a voluntary renunciation, he no longer belonged to the world, though Providence retained him in it. In the tumult of armies, he solaced himself with the sweet and secret aspirations of solitude. With one hand he smote the Amalekites, and with the other, stretched out to heaven, he drew down the blessing of God. This Joshua, in battle, already performed the functions of Moses upon the Mount, and, under the arms of a warrior, bore the heart and will of a penitent.

O God! who piercest the profoundest depths of our consciences, and seest the most secret intentions of our hearts, even before they are formed, receive into the bosom of thy glory that soul, ever occupied with thoughts of thine Eternity! Honor those desires with which thou didst inspire him! Time failed him, but not the courage to fulfill them. If thou requirest works with desires,

behold the charities which he made or destined for the comfort and salvation of his brethren; behold the souls which, with thine aid, he brought back from error; behold the blood of thy people which he so frequently spared; behold his own blood which he so generously shed on our behalf; and yet more than all, behold the blood shed for him by Jesus Christ.

Ministers of God, complete the holy sacrifice! Christians redouble your vows and prayers, that God, as a recompense for his toils, may admit his spirit to the home of everlasting repose, and give him an infinite peace in heaven, who three times procured for us a peace on earth, evanescent, it is true, yet ever delightful, ever desirable!

CHARLES JAMES FOX

(1749–1806)

ACCORDING to the almost universal testimony of his contemporaries, Charles James Fox was one of the greatest intellects of England. If, in the eyes of posterity, judging him out of his own mouth by what his generation pronounced unsurpassed eloquence, he fall below Chatham and Burke, a sufficient explanation is found in habits of life which did not allow his great intellect to take a firm hold on principle — on the fundamental truth of human nature and universal nature, the axioms of justice, liberty, and moral development, without which, as a part of its essence, the greatest mind can never express itself adequately.

Fox joined looseness of morals to brilliancy of intellect. His father taught him libertinism, supplied him with money to indulge in gaming, if not in worse practices, and urged him on, it is said, when, with a young man's modesty, Fox hesitated at lengths which, to the veteran libertine, seemed the commonplaces of aristocratic vice. Unless we can assume that excesses which exhaust the brain can leave unimpaired the intellect of which the brain is the organ, this training is enough to account for whatever is shallow and ineffective in one who might otherwise have been the greatest English statesman of his century.

His father, Henry Fox, afterwards Lord Holland, was inordinately proud of him. Having himself no scruple in following his interest or his pleasure, the elder Fox endeavored to give his son a training which would make him in everything the peer or the superior of his ancestors, one of whom was no less a person than Charles II. It is said of the elder Mirabeau that he was exasperated to see reappearing openly in his son those vices he had so carefully concealed in himself. The elder Fox seems to have been pained only by his son's hesitancy in imitating his own example of license. It is not surprising under such training that the son should find the pleasure of losing at cards to be greater than any other except that of winning. In attempting to explain how so much ability in the younger Fox should have survived such a training, it will be worth while to remember that he was educated at Eton, as well as at home. When he returned from the tour of Europe, from gambling at Monaco and from a visit to Voltaire, his father's approval of him

as one of the best-dressed young men of the kingdom did not prevent Doctor Barnard, the celebrated head master at Eton, from having him "horsed" and flogged into some approximation to the Etonian standard of common sense. Thanks to such incidents of his education, Fox, before the close of his public career, could say in a speech in Parliament that he had outgrown the demoralizing habits of his youth.

Born January 24th, 1749, Fox entered Parliament at twenty years of age, as a Tory, and within the next six years was Junior Lord of the Admiralty and of the Treasury under Lord North's administration.

Dismissed in 1774 at the instance of George III., who hated him, Fox went into opposition, and during the remainder of his career acted with the Whigs. In 1782, he was Foreign Secretary under Rockingham, and in 1783 was Foreign Secretary under the Coalition ministry he formed with Lord North. When the Coalition ministry was defeated on the East India Bill, by the direct efforts of the King, Fox remained out of office until 1806, when he served as a member of the Grenville cabinet. He died in the same year (September 13th, 1806).

When it is said that he was one of the most eloquent men who ever spoke in the English Parliament, it is meant that when really interested in any subject, he had the faculty of expressing, on the spur of the moment and with all the force possible for him, what most men can express only after long preparation and violent goading of their intellects. That his power of purely extemporaneous expression was phenomenal, there can be no doubt, and if he fall short of the highest possibilities of eloquence, it is only after he has reached the point where there is no further ascent possible, except for those who are forced up by self-sacrificing devotion to principle, by life-long habits of seeking the truth as the compelling cause of action, the always adequate motive of expression. Burke's enemies, in attempting to break the force of his enthusiasm, called him an inspired idiot. Fox's friends might pay him almost every other compliment but that! No doubt, with all his failings, he deserved to be the object of that generosity which prompted Burke in his speech on the East India Bill to say of him:—

"He has faults; but they are faults that, though they may, in a small degree, tarnish the lustre, and sometimes impede the march of his abilities, have nothing in them to extinguish the fire of great virtues. In those faults there is no mixture of deceit, of hypocrisy, of pride, of ferocity, of complexional despotism, or want of feeling for the distresses of mankind."

W. V. B.

ON THE CHARACTER OF THE DUKE OF BEDFORD

[Delivered in the House of Commons, March 16th, 1802. Said by the 'British Encyclopædia'—article 'Fox'—to be the only speech of Fox's «printed as it was delivered»]

IF THE sad event which has recently occurred were only a private misfortune, however heavy, I should feel the impropriety of obtruding upon the House the feelings of private friendship, and would have sought some other opportunity of expressing those sentiments of gratitude and affection which must be ever due from me to the memory of the excellent person, whose loss gives occasion to the sort of Motion-of-Course which I am about to make to the House. It is because I consider the death of the Duke of Bedford as a great public calamity; because the public itself seems to consider it such; because, not in this town only, but in every part of the Kingdom, the impression made by it seems to be the strongest and most universal that ever appeared upon the loss of a subject,—it is for these reasons that I presume to hope for the indulgence of the House, if I deviate in some degree from the common course, and introduce my motion in a manner which I must confess to be unusual on similar occasions.

At the same time, I trust, sir, that I shall not be suspected of any intention to abuse the indulgence which I ask, by dwelling, with the fondness of friendship, upon the various excellences of the character to which I have alluded, much less by entering into a history of the several events of his life which might serve to illustrate it. There was something in that character so peculiar and striking, and the just admiration which his virtues commanded was such, that to expatiate upon them in any detail is as unnecessary as, upon this occasion, it would be improper. That he has been much lamented, and generally, cannot be wondered at, for surely there never was a more just occasion of public sorrow. To lose such a man!—at such a time!—so unexpectedly! The particular stage of his life, too, in which we lost him, must add to every feeling of regret, and make the disappointment more severe and poignant to all thinking minds. Had he fallen at an earlier period, the public, to whom he could then (comparatively speaking, at least) be but little known, would rather have compassioned and condoled with the feelings of his

friends and relations than have been themselves very severely afflicted by the loss. It would have been suggested, and even we who were the most partial would have admitted, that the expectations raised by the dawn are not always realized in the meridian of life. If the fatal event had been postponed, the calamity might have been alleviated by the consideration that mankind could not have looked forward for any length of time to the exercise of his virtues and talents. But he was snatched away at a moment when society might have been expected to be long benefited by his benevolence, his energy, and his wisdom; when we had obtained a full certainty that the progress of his life would be more than answerable to the brightest hopes conceived from its outset; and when it might have been reasonably hoped, that after having accomplished all the good of which it was capable, he would have descended not immaturely into the tomb. He had, on the one hand, lived long enough to have his character fully confirmed and established; while, on the other, what remained of life seemed, according to all human expectations, to afford ample space and scope for the exercise of the virtues of which that character was composed. The tree was old enough to enable us to ascertain the quality of the fruit which it would bear, and, at the same time, young enough to promise many years of produce.

The high rank and splendid fortune of the great man of whom I am speaking, though not circumstances which, in themselves, either can or ought to conciliate the regard and esteem of rational minds, are yet in so far considerable, as an elevated situation, by making him who is so placed in it more powerful and conspicuous, causing his virtues or vices to be more useful or injurious to society. In this case, the rank and wealth of the person are to be attended to in another and a very different point of view. To appreciate his merits justly, we must consider not only the advantages, but the disadvantages, connected with such circumstances. The dangers attending prosperity in general, and high situations in particular — the corrupting influence of flattery, to which men in such situations are more peculiarly exposed, have been the theme of moralists in all ages, and in all nations; but how are these dangers increased with respect to him who succeeds in his childhood to the first rank and fortune in a kingdom such as this, and who, having lost his parents, is never approached by any being who is not represented to him as in

some degree his inferior! Unless blessed with a heart uncommonly susceptible and disposed to virtue, how should he, who had scarce ever seen an equal, have a common feeling and a just sympathy for the rest of mankind, who seem to have been formed rather for him, and as instruments of his gratification, than together with him, for the general purposes of nature? Justly has the Roman satirist remarked: —

> «*Rarus enim fermé sensus communis in illa Fortuna.*»

This was precisely the case of the Duke of Bedford; nor do I know that his education was perfectly exempt from the defects usually belonging to such situations; but virtue found her own way, and on the very side where the danger was the greatest was her triumph most complete. From the blame of selfishness no man was ever so eminently free. No man put his own gratification so low or that of others so high, in his estimation. To contribute to the welfare of his fellow-citizens, and by his example and his beneficence to render them better, wiser, and happier, was the constant pursuit of his life. He truly loved the public; but not only the public, according to the usual acceptation of the word — not merely the body corporate (if I may so express myself) which bears that name — but man in his individual capacity; all who came within his notice and deserved his protection were objects of his generous concern. From his station, the sphere of his acquaintance was larger than that of most other men; yet, in this extended circle, few, very few, could be counted to whom he had not found some occasion to be serviceable. To be useful, whether to the public at large, whether to his relations and nearer friends, or even to any individual of his species, was the ruling passion of his life.

He died, it is true, in a state of celibacy; but if they may be called a man's children whose concerns are as dear to him as his own — to protect whom from evil is the daily object of his care — to promote whose welfare he exerts every faculty of which he is possessed — if such, I say, are to be esteemed our children, no man had ever a more numerous family than the Duke of Bedford.

Private friendships are not, I own, a fit topic for this House, or any public assembly; but it is difficult for any one who had the honor and happiness to be his friend not to advert (when

speaking of such a man) to his conduct and behavior in that interesting character. In his friendship not only was he disinterested and sincere, but in him were to be found united all the characteristic excellences which have ever distinguished the men most renowned for that most amiable of all virtues. Some are warm, but volatile and inconstant; he was warm too, but steady and unchangeable. Never once was he known to violate any of the duties of that sacred relation. Where his attachment was placed, there it remained, or rather there it grew; for it may be more truly said of this man than of any other that ever existed, that if he loved you at the beginning of the year, and you did nothing to forfeit his esteem, he would love you still more at the end of it. Such was the uniformly progressive state of his affections no less than of his virtue and wisdom.

It has happened to many, and he was certainly one of the number to grow wiser as they advanced in years. Some have even improved in virtue; but it has generally been in that class of virtues only which consists in resisting the allurements of vice; and too often have these advantages been counterbalanced by the loss, or at least the diminution, of that openness of heart, that warmth of feeling, that readiness of sympathy, that generosity of spirit, which have been reckoned among the characteristic attributes of youth. In his case it was far otherwise; endued by nature with an unexampled firmness of character, he could bring his mind to a more complete state of discipline than any man I ever saw. But he had, at the same time, such a comprehensive and just view of all moral questions, that he well knew how to distinguish between those inclinations which, if indulged, must be pernicious, and the feelings which, if cultivated, might prove beneficial to mankind. All bad propensities, therefore, if any such he had, he completely conquered and suppressed; while, on the other hand, no man ever studied the trade by which he was to get his bread, the profession by which he hoped to rise to wealth and honor, nor even the higher arts of poetry or eloquence, in pursuit of a fancied immortality, with more zeal and ardor than this excellent person cultivated the noble art of doing good to his fellow-creatures. In this pursuit, above all others, diligence is sure of success, and, accordingly, it would be difficult to find an example of any other man to whom so many individuals are indebted for happiness or comfort, or to whom the public at large owe more essential obligation.

So far was he from slackening or growing cold in these generous pursuits, that the only danger was, lest, notwithstanding his admirable good sense, and that remarkable soberness of character which distinguished him, his munificence might, if he had lived, have engaged him in expenses to which even his princely fortune would have been found inadequate. Thus, the only circumstance like a failing in this great character was, that, while indulging his darling passion for making himself useful to others, he might be too regardless of future consequences to himself and to his family. The love of utility was indeed his darling, his ruling passion. Even in his recreation (and he was by no means naturally averse to such as were suitable to his station in life), no less than in his graver hours, he so much loved to keep his grand object in view, that he seemed, by degrees, to grow weary of every amusement which was not in some degree connected with it. Agriculture he judged rightly to be the most useful of all sciences, and, more particularly in the present state of affairs, he conceived it to be the department in which his services to his country might be most beneficial. To agriculture, therefore, he principally applied himself; nor can it be doubted, but with his great capacity, activity, and energy, he must have attained his object and made himself eminently useful in that most important branch of political economy Of the particular degree of his merit in this respect, how much the public is already indebted to him, how much benefit it may still expect to derive from the effects of his unwearied diligence and splendid example, many Members of this House can form a much more accurate judgment than I can pretend to. But of his motive to these exertions, I am competent to judge, and can affirm, without a doubt, that it was the same which actuated him throughout — an ardent desire to employ his faculties in the way, whatever it might be, in which he could most contribute to the good of his country and the general interests of mankind.

With regard to his politics, I feel a great unwillingness to be wholly silent on the subject, and, at the same time, much difficulty in treating it with propriety, when I consider to whom I am addressing myself. I am sensible that those principles upon which, in any other place, I should not hesitate to pronounce an unqualified eulogium, may be thought by some, perhaps by the majority, of this House rather to stand in need of apology and exculpation than to form a proper subject for panegyric. But,

even in this view, I may be allowed to offer a few words in favor of my departed friend. I believe few, if any of us, are so infatuated with the extreme notions of philosophy as not to feel a partial veneration for the principles, some leaning even to the prejudices of the ancestors, especially if they were of any note, from whom we are respectively descended. Such biases are always, as I suspect, favorable to the cause of patriotism and public virtue. I am sure, at least, that in Athens and Rome they were so considered. No man had ever less of family pride, in the bad sense, than the Duke of Bedford; but he had a great and just respect for his ancestors. Now, if, upon the principle to which I have alluded, it was in Rome thought excusable in one of the Claudii to have, in conformity with the general manners of their race, something too much of an aristocratical pride and haughtiness, surely in this country it is not unpardonable in a Russell to be zealously attached to the rights of the subject, and peculiarly tenacious of the popular parts of the Constitution. It is excusable, at least, in one who numbers among his ancestors the great Earl of Bedford, the patron of Pym, and the friend of Hampden, to be an enthusiastic lover of liberty; nor is it to be wondered at, if a descendant of Lord Russell should feel more than common horror for arbitrary power, and a quick, perhaps even a jealous discernment of any approach or tendency in the system of government to that dreaded evil. But whatever may be our differences in regard to principles, I trust there is no Member of this House who is not liberal enough to do justice to upright conduct, even in a political adversary. Whatever, therefore, may be thought of those principles to which I have alluded, the political conduct of my much-lamented friend must be allowed by all to have been manly, consistent, and sincere.

It now remains for me to touch upon the last melancholy scene in which this excellent man was to be exhibited; and to all those who admire his character, let it be some consolation that his death was, in every respect, conformable to his life. I have already noticed that prosperity could not corrupt him. He had now to undergo a trial of an opposite nature. But in every instance, he was alike true to his character; and in moments of extreme bodily pain and approaching dissolution, when it might be expected that a man's every feeling would be concentrated in his personal sufferings, his every thought occupied by the awful event impending, even in these moments he put by all selfish considerations; kindness to his friends was the sentiment still uppermost

in his mind; and he employed himself to the last hours of his life in making the most considerate arrangements for the happiness and comfort of those who were to survive him. While in the enjoyment of prosperity he had learned and practiced all those milder virtues which adversity alone is supposed capable of teaching; and, in the hour of pain and approaching death, he had that calmness and serenity which are thought to belong exclusively to health of body and a mind at ease.

If I have taken an unusual and possibly an irregular course upon this extraordinary occasion, I am confident the House will pardon me. They will forgive something, no doubt, to the warmth of private friendship; to sentiments of gratitude, which I must feel, and, whenever I have an opportunity, must express to the latest hour of my life. But the consideration of public utility, to which I have so much adverted as the ruling principle in the mind of my friend, will weigh far more with them. They will, in their wisdom, acknowledge that to celebrate and perpetuate the memory of great and meritorious individuals is in effect an essential service to the community. It was not, therefore, for the purpose of performing the pious office of friendship, by fondly strewing flowers upon his tomb, that I have drawn your attention to the character of the Duke of Bedford; the motive that actuates me is one more suitable to what were his views. It is that this great character may be strongly impressed upon the minds of all who hear me — that they may see it — that they may feel it — that they may discourse of it in their domestic circles — that they may speak of it to their children, and hold it up to the imitation of posterity. If he could now be sensible to what passes here below, sure I am that nothing could give him so much satisfaction as to find that we are endeavoring to make his memory an example, as he took care his life should be useful to mankind.

I will conclude with applying to the present occasion a beautiful passage from the speech of a very young orator. It may be thought, perhaps, to savor too much of the sanguine views of youth to stand the test of a rigid, philosophical inquiry; but it is, at least, cheering and consolatory, and that in this instance it may be exemplified is, I am confident, the sincere wish of every man who hears me. "Crime," says he, "is a curse only to the period in which it is successful; but virtue, whether fortunate or otherwise, blesses not only its own age, but remotest posterity, and is as beneficial by its example as by its immediate effects."

ON THE EAST INDIA BILL

(From the Speech Delivered in the House of Commons December 1st, 1783)

SIR, the necessity of my saying something upon the present occasion is so obvious that no apology will, I hope, be expected from me for troubling the House, even at so late an hour (two o'clock in the morning). I shall not enter much into a detailed or minute defense of the particulars of the bill before you, because few particular objections have been made, the opposition to it consisting only of general reasonings, some of little application, and others totally distinct from the point in question.

This bill has been combated through its past stages upon various principles; but to this moment the House has not heard it canvassed upon its own intrinsic merits. The debate this night has turned chiefly upon two points—violation of charter, and increase of influence; and upon both these points I shall say a few words.

The honorable gentleman who opened the debate [Mr. Powys] first demands my attention, not indeed for the wisdom of the observations which fell from him this night (acute and judicious as he is upon most occasions), but from the natural weight of all such characters in this country, the aggregate of whom should, in my opinion, always decide upon public measures; but his ingenuity was never, in my opinion, exerted more ineffectually, upon more mistaken principles, and more inconsistently with the common tenor of his conduct, than in this debate.

The honorable gentleman charges me with abandoning that cause, which, he says, in terms of flattery, I had once so successfully asserted. I tell him in reply, that if he were to search the history of my life, he would find that the period of it, in which I struggled most for the real, substantial cause of liberty, is this very moment that I am addressing you. Freedom, according to my conception of it, consists in the safe and sacred possession of a man's property, governed by laws defined and certain; with many personal privileges, natural, civil, and religious, which he cannot surrender without ruin to himself; and of which to be deprived by any other power is despotism. This bill, instead of subverting, is destined to give stability to these principles; instead of narrowing the basis of freedom, it tends to

enlarge it; instead of suppressing, its object is to infuse and circulate the spirit of liberty.

What is the most odious species of tyranny? Precisely that which this bill is meant to annihilate. That a handful of men, free themselves, should execute the most base and abominable despotism over millions of their fellow-creatures; that innocence should be the victim of oppression; that industry should toil for rapine; that the harmless laborer should sweat, not for his own benefit, but for the luxury and rapacity of tyrannic depredation; in a word, that thirty millions of men, gifted by Providence with the ordinary endowments of humanity, should groan under a system of despotism unmatched in all the histories of the world.

What is the end of all government? Certainly the happiness of the governed. Others may hold other opinions, but this is mine, and I proclaim it. What are we to think of a government whose good fortune is supposed to spring from the calamities of its subjects, whose aggrandizement grows out of the miseries of mankind? This is the kind of government exercised under the East India Company upon the natives of Hindostan; and the subversion of that infamous government is the main object of the bill in question. But in the progress of accomplishing this end, it is objected that the charter of the company should not be violated; and upon this point, sir, I shall deliver my opinion without disguise. A charter is a trust to one or more persons for some given benefit. If this trust be abused, if the benefit be not obtained, and its failure arise from palpable guilt, or (what in this case is full as bad) from palpable ignorance or mismanagement, will any man gravely say that that trust should not be resumed and delivered to other hands, more especially in the case of the East India Company, whose manner of executing this trust,—whose laxity and languor have produced, and tend to produce consequences diametrically opposite to the ends of confiding that trust, and of the institution for which it was granted? I beg of gentlemen to be aware of the lengths to which their arguments upon the intangibility of this charter may be carried. Every syllable virtually impeaches the establishment by which we sit in this House, in the enjoyment of this freedom, and of every other blessing of our Government. These kinds of arguments are batteries against the main pillar of the British Constitution. Some men are consistent with their own private opinions, and discover the inheritance of family maxims, when they ques-

tion the principles of the Revolution; but I have no scruple in subscribing to the articles of that creed which produced it. Sovereigns are sacred, and reverence is due to every king; yet, with all my attachments to the person of a first magistrate, had I lived in the reign of James II., I should most certainly have contributed my efforts, and borne part in those illustrious struggles which vindicated an empire from hereditary servitude, and recorded this valuable doctrine, "that trust abused is revocable."

No man, sir, will tell me that a trust to a company of merchants stands upon the solemn and sanctified ground by which a trust is committed to a monarch; and I am at a loss to reconcile the conduct of men who approve that resumption of violated trust, which rescued and re-established our unparalleled and admirable Constitution with a thousand valuable improvements and advantages at the Revolution, and who, at this moment, rise up the champions of the East India Company's charter, although the incapacity and incompetency of that company to a due and adequate discharge of the trust deposited in them by that charter are themes of ridicule and contempt to the world; and although, in consequence of their mismanagement, connivance, and imbecility, combined with the wickedness of their servants, the very name of an Englishman is detested, even to a proverb, through all Asia, and the national character is become degraded and dishonored. To rescue that name from odium and redeem this character from disgrace are some of the objects of the present bill; and, gentlemen should, indeed, gravely weigh their opposition to a measure which, with a thousand other points not less valuable, aims at the attainment of these objects.

Those who condemn the present bill as a violation of the chartered rights of the East India Company, condemn, on the same ground, I say again, the Revolution as a violation of the chartered rights of King James II. He, with as much reason, might have claimed the property of dominion; but what was the language of the people? "No; you have no property in dominion; dominion was vested in you, as it is in every chief magistrate, for the benefit of the community to be governed; it was a sacred trust delegated by compact; you have abused that trust; you have exercised dominion for the purposes of vexation and tyranny — not of comfort, protection, and good order; and we, therefore, resume the power which was originally ours; we recur to the first principles of all government — the will of the many, and it is our will

that you shall no longer abuse your dominion." The case is the same with the East India Company's government over a territory, as it has been said by my honorable friend [Mr. Burke], of two hundred and eighty thousand square miles in extent, nearly equal to all Christian Europe, and containing thirty millions of the human race. It matters not whether dominion arise from conquest or from compact. Conquest gives no right to the conqueror to be a tyrant; and it is no violation of right to abolish the authority which is misused. . . .

AGAINST WARREN HASTINGS

(Peroration of the Speech Delivered in the House of Commons, June 2d, 1785. 'On the Charge Relating to the Rohilla War')

PEOPLE are greatly mistaken if they imagine there can be the responsibility in India that there is here, and by similar means. In this country facts can be got at with ease; the conduct of men is under the public eye, and if they betray the trust reposed in them, it is possible to come at the means of detecting their guilt. But how are you to procure evidence of crimes committed in so distant a country? The time necessary for such a purpose would suffer any mischief to be carried on, perhaps to the total ruin of our possessions.

I would have strict, literal, and absolute obedience to orders, in all those whom I intrusted with the administration of government in that country, that we might know the ground upon which we were treading, and be able to form some judgment of the real state of our affairs in that part of our possessions. This House has already passed certain resolutions and has pledged itself to see them put in execution; an opportunity is now presented, the matter is now in issue, and if it be suffered to fall to the ground without a spirited and a firm examination, all inquiry may sleep forever, and every idea of punishment be buried in oblivion.

This is, as I have said before, a matter of the utmost importance, and one which admits not of delay. If these principles are founded in truth, justice, and good policy, it is incumbent on you to lose no time to bring them into effect; and, by a striking example, to convince the world that the principles of equity and moderation, which you have held out, were not intended to de-

ceive; and that you did not begin the work of reformation without being determined to carry it on until it should have its full effect, by restoring happiness and preventing oppression throughout our dominions in Asia.

I have thought it proper, sir, to show the House that my opinion is not altered, and to declare that I do not see anything hitherto done which is in any respect likely to place our affairs in that quarter upon a stable and prosperous basis. Deeming, as I do, the affairs of India to be weighty to the last degree, I trust I need make no apology for endeavoring to impress upon the House the only mode of governing these possessions that I am confident can ever be attended with success, namely, that of responsibility to this House. With this principle the present inquiry is most intimately connected. If you suffer it to be evaded, an abandonment of all control over your people in India must undoubtedly follow. Mankind will always form their judgments by effects; and observing that this man, who has been the culprit of this nation, and of this House, for a series of years, is absolved, without a regular trial of his crimes, they will easily conclude that another may find the same mode of coming at protection, and that fear of punishment need not, at any time, interrupt the pursuit of gain.

I would again, sir, before I sit down, shortly revert to the matter immediately before us. The principles of morals are to be drawn from books, and from the tongues of men, not from their actions. The fact is, indeed, too true, that men have in all ages been little governed in their actions by equity and justice; but seldom has it happened that they have openly avowed that they have not been directed in their conduct by rules so generally established as the foundation of all intercourse among mankind. The war against the Rohillas carries with it so great an abandonment of all the great leading principles of morality, that it is astonishing that any man can attempt to defend it. We should reflect that our character is at stake — and, undoubtedly, we should preserve that fair and unsullied. It is natural to trust in a fair character, and when that is lost, all confidence is carried with it.

We should consider that Mr. Hastings himself does this. He acts upon the character of nations; he states the character of the Rohillas as a reason for their being exterminated. If we were to go on this principle, and exterminate every nation of

that description, we should soon leave the face of the earth thinly inhabited; and I am afraid our own country would not be able to stand up with much confidence in defense of its own character, if it should give its assent to such barbarous doctrines. But there was nothing in the character of the Rohillas to excite the indignation, or draw down the resentment, of any nation, much less of Great Britain. They were a brave people, and what is singular, the only free people in India. They governed the country of which they were possessed with a mildness of which its very flourishing condition so as to be called the garden of Hindostan is an undeniable proof; they were endowed with all those national virtues which Britons have been accustomed to admire, and which form a strong chain of connection between countries which enjoy the blessings of liberty. Ought not such a people to have met with sympathy and regard in the feelings of this nation? Ought not a cause such as theirs to have interested a British bosom? To mark out such a people as the objects of avarice, as the victims of unprovoked resentment, or to abandon them to the rod of tyranny and oppression — what conduct could be more derogatory to the character of a nation which enjoys the influence of liberty? What mode of procedure could be more disgraceful to the honor and humanity of the British name?

An honorable gentleman [Mr. Grenville] has spoken of the religion and tenets of the Rohillas as an argument for their destruction. I think he said they were of some particular sect of Mussulmans, the sect of Omar, and different from Hindoos, the original inhabitants of the country. Men, sir, have been persecuted on account of their religion; but that an argument of this kind should be made use of at this time of day, to palliate the crime of exterminating a nation, is a matter I do not understand. Of what consequence is it to the question of the justness of the war whether their tenets or their practice differ from those around them? I am, indeed, sorry to hear such doctrine as the justness of this war defended by a young man, who, from his situation in office, gives us reason to dread that on principles like these the new Government in India is to be established.

The whole of this business is now before you. You are now to decide; and I call upon you to reflect that the character, the honor, and the prosperity of this nation depend on your decision. I have appealed to what is called the passions; that is, the

indignation of mankind against enormous guilt, against violence and oppression. It has been my opinion that we ought in this manner always to feel with regard to Indian delinquents. The people of Hindostan have a claim upon our protection, upon our pity, and their distresses call loudly for vengeance upon their oppressors. Sixty thousand Rohillas driven, like a herd of deer, across the Ganges from their houses and from their lands, to perish through want of subsistence, or depend on the precarious bounty of nations with whom they had no connection! These circumstances excite you to take vengeance on those who have abused your authority and tyrannized over them. The Begum and other women, and the princes of that wretched nation, who, in vain, pleaded for relief from the hands of your servants, call upon you to vindicate your own character and to let the guilt fall upon those who have deserved it.

We ought, it is said, to be counsel for the prisoner. If a man is not able to plead his own cause, it is right to allow him every indulgence, and to put it in his power to bring forward a fair state of the circumstances of his case. Truth is the object which we wish to grasp, and every mode of bringing that before us is to be attended to. My duty is, when I find great crimes, to state them, and that not merely on my own authority, but from the accounts of those who were eyewitnesses. It is our duty to bring a culprit to justice. Mr. Hastings is the culprit of the nation. He has infringed our orders, and we have bound ourselves to call him to account. Whatever may be his services, they cannot be pleaded here; they never can be considered as preventing his offenses from being inquired into; if he be guilty, he ought to suffer the punishment due to them.

My right honorable friend has brought forward his accusations openly and boldly. He did not basely slander Mr. Hastings when he was not present, and then meanly hide himself behind some pitiful evasion; but he has come forward with his charges to his face and given him a fair opportunity of clearing his innocence to the world. Mr. Hastings has declared his wish to meet it. Why, then, will you not suffer it to take its regular course? I say again: Where is the danger? Where the injury? Nothing but good can result from it to your government in India. Lord Cornwallis has just been sent out, with powers greater than were ever intrusted to any governor. By what rule is he to frame his conduct? Are those which have been

laid down, and are now disapproved of by this House, to regulate it? Or is he to govern himself by the example of Mr. Hastings, of whose management this House must, if they acquit him on this business, be supposed to approve?

My right honorable friend has singled out this transaction, because it has two features which strongly mark the political conduct of Mr. Hastings: contempt of the orders of his superiors, and an entire disregard of all principles of justice, moderation, and equity. These pervade all his actions, the whole system of his conduct, and appear to have taken entire possession of his mind. This transaction with Sujah-ul-Dowlah, and this war against the Rohillas, will give you an idea of his character much better than any words can display it. These two characters are alleged to be contained in this charge which is brought against him. It remains for you to decide. And allow me again to entreat you to remember that you are not pronouncing merely on the merits of an individual, but you are laying down a system of conduct for all future governors in India. The point is at issue. Your decision is most serious and important! I pray to heaven it may be such as will do you honor!

BENJAMIN FRANKLIN

(1706–1790)

COMING nearer to universal genius than any one who has lived since Bacon, Franklin has an individuality as an orator, which illustrates his character as a man. When he speaks at all, it is to express ideas which he feels to be of the greatest importance, and, in expressing them, he seeks the simplest and shortest way. In any one of his speeches, he shows himself the philosopher, the statesman, the diplomat, the printer in his shirt sleeves, trundling his wheelbarrow through the street. He has not ceased to be Poor Richard in having been the scientist whose great mind grasped the central fact of modern progress. He is the embodiment of common sense in small things, as he is of higher intellect in great. While he never attempted eloquence, he never failed to achieve it, when he spoke at all. In no one of the great orators is there to be found a greater power of idea than in his laconic sentences. Doubtless, he was too sparing with words, too lavish with ideas to be immediately persuasive, but in what he said as in what he did, his great mind took hold on the future of his country and of the world. Unpremeditated and unpolished as his occasional speeches are, they have in them the same quality of immortal intellect which made Jefferson say of him to Vergennes: "I succeed — no one can replace him!"

DISAPPROVING AND ACCEPTING THE CONSTITUTION

(Delivered in the Convention for Forming the Constitution of the United States, Philadelphia, 1787)

I CONFESS that I do not entirely approve of this Constitution at present; but, sir, I am not sure I shall never approve it, for, having lived long, I have experienced many instances of being obliged, by better information or fuller consideration, to change opinions even on important subjects, which I once thought right, but found to be otherwise. It is therefore that, the older I grow, the more apt I am to doubt my own judgment of others. Most men, indeed, as well as most sects in religion, think them-

selves in possession of all truth, and that wherever others differ from them, it is so far error. Steele, a Protestant, in a dedication, tells the Pope that the only difference between our two churches in their opinions of the certainty of their doctrine is, the Romish Church is infallible, and the Church of England is never in the wrong. But, though many private persons think almost as highly of their own infallibility as of that of their sect, few express it so naturally as a certain French lady, who, in a little dispute with her sister, said: "But I meet with nobody but myself that is always in the right."

In these sentiments, sir, I agree to this Constitution, with all its faults,—if they are such,—because I think a general government necessary for us, and there is no form of government but what may be a blessing to the people, if well administered; and I believe, further, that this is likely to be well administered for a course of years, and can only end in despotism, as other forms have done before it, when the people shall become so corrupted as to need despotic government, being incapable of any other. I doubt, too, whether any other convention we can obtain may be able to make a better Constitution; for, when you assemble a number of men, to have the advantage of their joint wisdom, you inevitably assemble with those men all their prejudices, their passions, their errors of opinion, their local interests, and their selfish views. From such an assembly can a perfect production be expected? It therefore astonishes me, sir, to find this system approaching so near to perfection as it does; and I think it will astonish our enemies, who are waiting with confidence to hear that our counsels are confounded like those of the builders of Babel, and that our States are on the point of separation, only to meet hereafter for the purpose of cutting one another's throats. Thus I consent, sir, to this Constitution, because I expect no better, and because I am not sure that it is not the best. The opinions I have had of its errors I sacrifice to the public good. I have never whispered a syllable of them abroad. Within these walls they were born, and here they shall die. If every one of us, in returning to our constituents, were to report the objections he has had to it, and endeavor to gain partisans in support of them, we might prevent its being generally received, and thereby lose all the salutary effects and great advantages resulting naturally in our favor among foreign nations, as well as among ourselves, from our real or apparent unanimity. Much of the

strength and efficiency of any government, in procuring and securing happiness to the people, depends on opinion, on the general opinion of the goodness of that government, as well as of the wisdom and integrity of its governors. I hope, therefore, for our own sakes, as a part of the people, and for the sake of our posterity, that we shall act heartily and unanimously in recommending this Constitution wherever our influence may extend, and turn our future thoughts and endeavors to the means of having it well administered.

On the whole, sir, I cannot help expressing a wish that every member of the convention who may still have objections to it, would, with me, on this occasion, doubt a little of his own infallibility, and, to make manifest our unanimity, put his name to this instrument.

DANGERS OF A SALARIED BUREAUCRACY

(Delivered in the Convention for Forming the Constitution of the United States, Philadelphia, 1787)

It is with reluctance that I rise to express a disapprobation of any one article of the plan for which we are so much obliged to the honorable gentlemen who laid it before us. From its first reading I have borne a good will to it, and, in general, wished it success. In this particular of salaries to the executive branch, I happen to differ; and, as my opinion may appear new and chimerical, it is only from a persuasion that it is right, and from a sense of duty, that I hazard it. The committee will judge of my reasons when they have heard them, and their judgment may possibly change mine. I think I see inconveniences in the appointment of salaries; I see none in refusing them, but, on the contrary, great advantages.

Sir, there are two passions which have a powerful influence in the affairs of men. These are ambition and avarice; the love of power and the love of money. Separately, each of these has great force in prompting men to action; but, when united in view of the same object, they have, in many minds, the most violent effects. Place before the eyes of such men a post of honor, that shall, at the same time, be a place of profit, and they will move heaven and earth to obtain it The vast number of such places it is that renders the British Government so tempestuous.

The struggles for them are the true source of all those factions which are perpetually dividing the nation, distracting its councils, hurrying it sometimes into fruitless and mischievous wars, and often compelling a submission to dishonorable terms of peace.

And of what kind are the men that will strive for this profitable pre-eminence, through all the bustle of cabal, the heat of contention, the infinite mutual abuse of parties, tearing to pieces the best of characters? It will not be the wise and moderate, the lovers of peace and good order, the men fittest for the trust. It will be the bold and the violent, the men of strong passions and indefatigable activity in their selfish pursuits. These will thrust themselves into your government, and be your rulers. And these, too, will be mistaken in the expected happiness of their situation, for their vanquished competitors, of the same spirit, and from the same motives, will perpetually be endeavoring to distress their administration, thwart their measures, and render them odious to the people.

Besides these evils, sir, though we may set out in the beginning with moderate salaries, we shall find that such will not be of long continuance. Reasons will never be wanting for proposed augmentations; and there will always be a party for giving more to the rulers, that the rulers may be able, in return, to give more to them. Hence, as all history informs us, there has been in every state and kingdom a constant kind of warfare between the governing and the governed; the one striving to obtain more for its support, and the other to pay less. And this has alone occasioned great convulsions, actual civil wars, ending either in dethroning of the princes or enslaving of the people. Generally, indeed, the ruling power carries its point, and we see the revenues of princes constantly increasing, and we see that they are never satisfied, but always in want of more. The more the people are discontented with the oppression of taxes, the greater need the prince has of money to distribute among his partisans, and pay the troops that are to suppress all resistance, and enable him to plunder at pleasure. There is scarce a king in a hundred, who would not, if he could, follow the example of Pharaoh,—get first all the people's money, then all their lands, and then make them and their children servants forever. It will be said that we do not propose to establish kings. I know it. But there is a natural inclination in mankind to kingly government. It sometimes relieves them from aristocratic domina-

tion. They had rather have one tyrant than five hundred. It gives more of the appearance of equality among citizens; and that they like. I am apprehensive, therefore,—perhaps too apprehensive,—that the government of these States may, in future times, end in a monarchy. But this catastrophe, I think, may be long delayed, if in our proposed system we do not sow the seeds of contention, faction, and tumult, by making our posts of honor places of profit. If we do, I fear that, though we employ at first a number and not a single person, the number will, in time, be set aside; it will only nourish the fœtus of a king (as the honorable gentleman from Virginia very aptly expressed it), and a king will the sooner be set over us.

It may be imagined by some that this is an Utopian idea, and that we can never find men to serve us in the executive department without paying them well for their services. I conceive this to be a mistake. Some existing facts present themselves to me which incline me to a contrary opinion. The high sheriff of a county in England is an honorable office, but it is not a profitable one. It is rather expensive, and therefore not sought for. But yet it is executed, and well executed, and usually by some of the principal gentlemen of the county. In France, the office of counselor, or member of their judiciary parliaments, is more honorable. It is therefore purchased at a high price; there are, indeed, fees on the law proceedings, which are divided among them, but these fees do not amount to more than three per cent. on the sum paid for the place. Therefore, as legal interest is there at five per cent., they, in fact pay two per cent. for being allowed to do the judiciary business of the nation, which is, at the same time, entirely exempt from the burthen of paying them any salaries for their services. I do not, however, mean to recommend this as an eligible mode for our judiciary department. I only bring the instance to show that the pleasure of doing good and serving their country, and the respect such conduct entitles them to, are sufficient motives with some minds to give up a great portion of their time to the public, without the mean inducement of pecuniary satisfaction.

Another instance is that of a respectable society who have made the experiment and practiced it with success now more than a hundred years. I mean the Quakers. It is an established rule with them that they are not to go to law, but in their controversies they must apply to their monthly, quarterly, and yearly

meetings. Committees of these sit with patience to hear the parties, and spend much time in composing their differences. In doing this, they are supported by a sense of duty and the respect paid to usefulness. It is honorable to be so employed, but it was never made profitable by salaries, fees, or perquisites. And, indeed, in all cases of public service, the less the profit, the greater the honor.

To bring the matter nearer home, have we not seen the greatest and most important of our offices, that of general of our armies, executed for eight years together, without the smallest salary, by a patriot whom I will not now offend by any other praise; and this, through fatigues and distresses, in common with the other brave men, his military friends and companions, and the constant anxieties peculiar to his station? And shall we doubt finding three or four men in all the United States with public spirit enough to bear sitting in peaceful council, for, perhaps, an equal term, merely to preside over our civil concerns, and see that our laws are duly executed? Sir, I have a better opinion of our country. I think we shall never be without a sufficient number of wise and good men to undertake and execute well and faithfully the office in question.

Sir, the saving of the salaries, that may at first be proposed, is not an object with me. The subsequent mischiefs of proposing them are what I apprehend. And, therefore, it is that I move the amendment. If it be not seconded or accepted, I must be contented with the satisfaction of having delivered my opinion frankly and done my duty.

FREDERICK THEODORE FRELINGHUYSEN

(1817–1885)

FREDERICK THEODORE FRELINGHUYSEN, member of a family identified with American history from colonial times, was born in Somerset County, New Jersey, August 4th, 1817. From 1866 to 1869 he represented New Jersey in the United States Senate, and voiced there, with great force and eloquence, the characteristic opinions of that element of the Republican party whom their opponents called "Radicals," making that term an epithet in much the same sense "Jacobin" had been used when applied to the followers of Jefferson in 1800. The occasion for this was chiefly the determination of this element, then dominant in the Republican party, to enforce manhood suffrage, without regard either to property interests or race prejudices. Perhaps this determination has not been better represented than in the speech on Universal Suffrage, made in the United States Senate by Mr. Frelinghuysen in January 1868.

After serving as United States Senator for New Jersey from 1866 until 1869, Mr. Frelinghuysen was returned again in 1871, and served six years. He was a member of the Electoral Commission of 1877, and from 1881 to 1885 he filled the position of Secretary of State, with credit to himself and the country. He died at Newark, New Jersey, May 20th, 1885.

IN FAVOR OF UNIVERSAL SUFFRAGE

(Peroration of His Speech in the United States Senate, January 28th, 1868, Supporting the Supplementary Reconstruction Bill)

IT SEEMS to me, Mr. President, that the Senator from Wisconsin, in discussing the policy of the reconstruction acts, missed the true question. In discussing the policy of the measure, he treated it as if the question were whether it would not be better for this country that we should all be of one family of the human race, and of one color. All the evils that his gloomy fancy drew were drawn from the fact of two different races living together. That is not the question we are forced to consider. Perhaps many might agree with him that we would be happier

if we were all of one family and of one color. Some, it is true, might believe that the Disposer of human events knew better what was best for us than we do ourselves, and that even if we thus would be happier, that happiness is not the highest object of life; that character, the character of a nation, is a grander object even than its happiness, and that we as individuals and as a nation are made morally better by now exercising justice toward a race that for centuries we have oppressed. Then, too, the statesman might insist that the nation could not now dispense with the material results of the black man's labors.

The question, however, which fact, event, and history force upon us, is whether it is better for this nation, in violation of its cardinal principle, that the governed shall have a voice in the laws that govern them, to deprive a population more numerous than were the inhabitants of this country at the Revolution, who have fought our battles and helped pay taxes, of all political right and self-protection, and render them a poor, oppressed, ignorant race, festering and throbbing with degradation; or is it better now, when we have an opportunity we never shall have again, to give them those political rights which experience has proven have elevated all who ever possessed them? On that question, whatever may be the answer of an unhallowed prejudice, when I remember that it affects millions who will live and die when I am moldering in the grave, I have no hesitation as to what should be my answer. We are bound now to do justice to that race. Almost the first vessel for trade that sailed up the James River in 1621 carried twenty slaves from Africa, and from that day for two centuries millions of that race were hurried across that thirsty continent to the dismal barracoons at the seaboard, and thence, amid all the untold horrors of the middle passage, they were transported to this country, to live in perpetual servitude. The Constitution, adopted more than a hundred and fifty years after this, did not prohibit this traffic, but did provide that no law should be passed forbidding it before 1808, and did authorize an import duty of ten dollars a head, and that instrument did, in terms studied, so that the enormity should not be patent, recognize this servitude.

I do not say who was guilty of this — English avarice, Northern cupidity, and Southern pride are all responsible; but there was the evil, and no man could see how we were to be delivered from it. Deliverance came, but it was by an anguish more fear-

ful than that which visited the home of the Pharaohs, when the Angel of Death waved his dark wing over that devoted land. Deliverance having come, let us now compensate for the wrong that we for two centuries have done. That race has been obedient to our laws; they have been patient under suffering; from a certain gentleness in their nature, they have been submissive under exactions which would have made us fiends. They have not been drones living on our charity. No; the father and the mother and the daughter and the son have all labored as no other people ever labored. Independent of making their own bread and clothing, of giving wealth and affluence to their masters, and of educating their children, generation after generation, independent of the products of the dairy, and of the rice and sugar and tobacco and corn, and of all the cotton used in our own land, they have, on an average, brought to this country about one hundred and eighty millions a year, as the return for the cotton produced by their labor and exported to other countries.

They are abused, called semi-barbarians; and yet, what would be the condition of the country this year, with our $90,000,000 of gold in our Treasury, if you exclude from the country the $144,000,000 of gold that their labor has brought to us? I think they have some rights here, and I believe that justice is, as stated, the supreme policy of nations. While the ballot will do them good, it cannot injure us. They will all vote the Democratic ticket, or they will all vote the Republican ticket, or a part will vote the Republican ticket and a part of them will vote the Democratic ticket; and in either event, while they can protect themselves by voting, they will only swell the great current of popular sentiment in the country, and will not direct or control it.

Why, sir, there was the same opposition to the emancipation that there is to the enfranchisement of the colored man. I remember that the Emancipation Proclamation carried the State of New Jersey against the Republican party by sixteen thousand. Denunciatory speeches were then made. Where are those denunciations now? All sunk like useless *débris* in the sea of oblivion. Who now, North or South, insults freedom? She sails forth gloriously, and is a thing of beauty as, with her white sails and silver spars, bright against the heavens, she circumnavigates this continent. Five years from this the wonder will be that in republican America anybody should question whether seven hundred thousand native-born, free American citizens, who fought our

battles and who helped pay taxes, should or should not have the privilege of voting.

Why distrust this principle? Ninety years of experience have verified it. Its success makes kingly power tremble all over the world, while those who have long been subjects of oppression are coming forth from the seclusion of ages and claim a right to be heard. Hundreds of thousands have come to our shores. They have enjoyed this privilege and have been elevated, while we have not been injured, but have been profited. Why distrust it? A principle is always true to itself. You may take an acorn and place it under the forcing glass and nurse it, or you may throw it out to the winter's snows and the summer's rains, and it will never produce anything but an oak. A principle, moral or political, that is good for me is good for you; if it is good for the white man, it is good for the black man. Does any one think that this principle of self-government will ever die? No; it is truth, and it has something of omnipotence and immortality of its great source. It may be retarded; it may be hindered; it may be, as was intimated by my distinguished friend from Maryland, that in sustaining this franchise the Republican party has a heavy load; but I am glad to belong to the party and help to carry it. It is a true principle, and, though retarded, will not be destroyed:—

> "Truth crushed to earth will rise again:
> The eternal years of God are hers."

Take the doctrine that the governed shall have a voice in making the laws that govern them from this country, and you destroy our characteristic, that which makes this America, and you leave it a mammoth country, within the broad extending ribs of which there is no soul, no spirit.

Sir, there are those in this country, and I think their voices will be heard, who believe that the possession of political privileges benefits a man not only for time. There are those who believe that as the degradation of bondage tends to vice, so the elevation of freedom and of political privilege points to God.

Sir, there was a time when the President of the United States had full faith in this principle. "Go read that paper which says that all men are created equal and are endowed by their Creator with certain inalienable rights," said John Adams, "at the head of the army, and every sword will be drawn from its scabbard, and the solemn vow made to maintain it or to perish on a bed

of honor. Publish it from the pulpit; religion will approve it, and the love of religious liberty will cling around it resolved to stand with it or fall with it. Send it to the public halls, there proclaim it; let them hear it who heard the first roar of the enemy's cannon; let them see it who saw their brothers fall on the field of Bunker Hill and in the streets of Lexington and Concord, and the very walls will cry out for its support."

Mr. President, that principle will yet live and have power in this country. The soil of this country is too deeply saturated with the blood of patriots who died to establish the principle that the governed should have a voice in making the laws that govern them, for it now to be surrendered or impaired.

As to the amendment of the Senator from Wisconsin, which provides that only those having a frechold or being able to read shall vote, and which thus offers a reward addressed to the prejudice and pride of the South, if they will keep the colored men in perpetual ignorance and poverty, I have no remarks to make. It is buried up in the lumber of this debate. But if that is not asking this nation to give its children a stone when they ask for bread, and a serpent when they ask for a fish, then I do not know where that expressive simile would be appropriate.

ALBERT GALLATIN

(1761–1849)

WHEN, in February 1799, Gallatin spoke in the House of Representatives against a resolution declaring it inexpedient to repeal the Alien and Sedition Laws, the country was on the eve of a political revolution as radical as that involved in the adoption of the Federal Constitution itself. The party which believed in minimizing the powers of all government, and more especially of the Federal Government, felt that it had been outvoted and worsted on the adoption of the Constitution itself. Instead of surrendering, however, it forced issues with the first ten amendments to the Constitution, and afterwards by determined opposition to the theories of the Federalists — especially to the Alien and Sedition Laws, which brought matters to a crisis under the presidency of John Adams. At the defeat of Adams in 1800, the views expressed by Gallatin in 1799 became the accepted constitutional theory of what, for more than twenty-five years, was a governing majority, overwhelming in its preponderance. The Federalist view was reasserted officially by John Quincy Adams, only in a much modified form, and when the Federalists, disorganized by the defeat of 1800, finally merged with the Whigs, that party professed to represent rather the ideas of the opposition which triumphed in 1800, than those of the Federalist administration.

Albert Gallatin was born in Geneva, Switzerland, January 29th, 1761. He emigrated to America in 1780, and was a Member of Congress from Pennsylvania from 1795 to 1801. After the inauguration of Jefferson in 1801, Gallatin became Secretary of the Treasury, holding the office for twelve years with such credit that he has been declared one of the greatest financiers of the age. He was instrumental in negotiating the treaty of Ghent, and, after leaving the Treasury Department, he served as Minister both to France and England. While oratory was not an art with him, he had well-matured ideas on public questions, and knew how to express them forcibly and effectively.

CONSTITUTIONAL LIBERTY AND EXECUTIVE DESPOTISM

(From a Speech in the House of Representatives, February 1799, against a Resolution Declaring It Inexpedient to Repeal the Alien Law)

Mr. Chairman:—

THIS subject was so fully discussed during the last session, that I would not have addressed the committee on this occasion, did I not entertain some hope that the change of circumstances which has taken place since the laws were enacted, and, above all, the sense which so many of our fellow-citizens have expressed on their propriety and constitutionality, may induce the House to reconsider their decision of last year.

Petitions, signed by nearly eighteen thousand freemen of this State alone, collected in a few counties and within a few weeks, have been laid on your table, earnestly requesting Congress to repeal laws, at best of a doubtful nature, and passed under an impression of danger, which does not now seem to exist, of general alarm, which has nearly subsided.

Sixteen hundred of my immediate constituents have joined in these petitions, and their opinion on this subject being the same which I have uniformly entertained, I feel it forcibly to be my duty to examine the reasoning used by the select committee who have reported against the repeal of the obnoxious laws.

The act concerning aliens comes first under consideration. Two laws were passed during the last session of Congress on that subject, the one concerning aliens generally, and the other respecting alien enemies. No petition has been presented against the last, and it would remain in force even if the first should, agreeably to the request of the petitioners, be repealed. The petitions apply solely to those provisions of the first act which are not included in the last. The provision, therefore, complained of, and which is the subject-matter of the reference to the committee, is that which authorizes the President to remove out of the territory of the United States, "all such aliens [being natives, citizens, denizens, or subjects of a nation which is not at war with the United States, and which has not perpetrated, attempted, or threatened any invasion or predatory incursion against the territory of the United States], as he shall judge dangerous to the peace and safety of the United States, or shall have reasonable grounds to suspect are concerned in any treasonable or secret machinations against the Government thereof."

This authorization is considered by the petitioners as unconstitutional: First, because such power being neither among the specific powers granted by the Constitution of the General Government, nor necessary to carry into effect any of those specific powers, is, both by incontestable deduction, and by the twelfth amendment, reserved to the individual States; second, because, even supposing such power to be by implication comprehended among those granted to the General Government, its exercise is, for the present, expressly prohibited to that Government by the section which provides that the migration or importation of such persons as any of the States shall think proper to admit shall not be prohibited by Congress prior to the year 1808; and, third, because aliens are supposed to come under the general description of persons to whom, by the Constitution, the right of a trial of all crimes by jury is secured. . . .

The power delegated by this law is not applicable exclusively to cases where it may be thought necessary, in order to carry into effect the power to protect States against an invasion. It is to apply generally and, under color of its necessity for executing certain specific powers, it may be exercised in a case where that specific power, on which alone it rests, has, itself, nothing on which to operate. Although it may happen that there shall be no necessity to protect States against invasion, it will even then, according to this constructive doctrine, still be lawful to do an act which cannot be constitutional, except on account of its being necessary to protect States against invasion.

In order, therefore, to support the constitutionality of the law, the select committee must suppose, in the first place, that Congress may pass laws, without a certainty of their being necessary for carrying into execution some of the specific powers granted to them; that is to say, that Congress have a right to pass laws which may be unnecessary for that purpose. In the next place, that if a certain law is necessary only for executing a constitutional measure of a temporary nature, that law may constitutionally be executed, although the temporary measure itself should not be executed at all; that is to say, that the incidental power may be exercised for a purpose different from that of executing the original power on which it rests.

The application of that constructive doctrine to the Sedition and Alien Laws justifies a conclusion that, if adopted, it will substitute in that clause of the Constitution a supposed usefulness or

propriety to the necessity expressed and contemplated by the instrument, and will, in fact, destroy every limitation of the powers of Congress. It will follow that instead of being bound by any positive rule laid down by their charter, the discretion of Congress, a discretion to be governed by suspicions, alarms, popular clamor, private ambition, and by the views of fluctuating factions, will justify any measure they may please to adopt; that, instead of being bound by a constitution, they may claim the omnipotence of a British Parliament; that all the reserved powers of the people or of the States will be swallowed up at their pleasure by that undefined discretion; in a word, that the Constitution itself, so far as respects a limitation of powers, is by that doctrine completely annihilated. Even the positive checks, which, in a few instances, prohibit the exercise of certain powers, will not prove a sufficient guard against an inordinate appetite to legislate on some favorite subject.

Thus, in the case of the Sedition Law, the prohibitory clause, respecting an abridgment of the liberty of the press, is attempted to be construed away by Star-Chamber definitions, by exotic doctrines which, if suffered to flourish, will overshadow and smother every plant of American growth; doctrines incompatible with the principles of a government elective in all its executive and legislative branches; of a government which the people, the sole fountain of power, cannot properly carry into execution, if the sources of information are shut up from them; if a free and full discussion of every public measure is, at the will of those who enjoy only a delegated authority, checked and embarrassed by prosecutions for libels, grounded solely on the British system of hereditary prerogative. . . .

The select committee have also informed us that the power to send off emigrants, who abuse the indulgence granted them to remain, is a very different thing from the power of preventing emigration; meaning, I suppose, that although Congress might be forbidden by the Constitution to prohibit migration, they may constitutionally send off such emigrants. Were the power claimed by this law, that of punishing by transportation aliens convicted of certain offenses, defined by the law, although the constitutional necessity of the mode of punishment would still remain to be proven, yet the argument of the committee would deserve some consideration. But it is denied that there is the least difference between a power of prohibiting emigration and that of sending

off any alien at the will of the President, merely because he is suspected by that magistrate. The transportation of the emigrant does not rest on any act committed by him, but on the degree of suspicion entertained by the President. The removal, therefore, contemplated by the law is not the special removal of certain emigrants, but a general power to remove all the emigrants on suspicion, if the President shall please. I must confess that, to my understanding, that power to remove all emigrants would, if exercised (and the law authorizes its general exercise), amount precisely to the same thing, with a general prohibition of emigration.

So far is it true that the clause of the Constitution admits of a construction which would defeat its object; that, at the end of it, we find a provision permitting Congress to lay a duty of ten dollars, not on migration, but on the importation of persons. Had it not been for that provision, Congress could not even have checked that importation by any duty. As the clause now stands, they cannot check the migration by any duty whatever, nor the importation by a duty higher than ten dollars. And yet it is contended that, notwithstanding so much caution, Congress may, by a general power of sending off emigrants, evade the restriction laid upon them, and altogether prevent the effect of migration.

Finally, if there be any difference between the power of prohibiting migration and that of sending off emigrants, it consists in this, that it might have been apprehended that, under color of the general power over commerce given to Congress, they might, by duties or other commercial regulations, have prevented or checked migration; but that there does not exist any power granted to the General Government by the Constitution which can rationally serve as a pretense to claim an authority to remove emigrants generally. And the only deduction to be thence inferred is, that the clause now under consideration, although it might be proper for preventing the exercise of the first power, was unnecessary for the last purpose — a conclusion to which I agree in its full extent, and which, it seems to me, I have already fully established in the first part of my arguments.

The select committee (driven thereto, perhaps, by the weakness of the ground they were compelled to defend) have recurred to a last argument, the most extraordinary, perhaps, of any they have advanced. Having said, in the former part of their report, that every nation had a right to send off aliens at will, they after-

wards assert that, "as the Constitution has given to the States no power to remove aliens," it is necessary to conclude that the power devolves to the General Government.

It is, I believe, the first time it has been suggested that the powers of the individual States were derived from the Constitution of the United States. That Constitution has heretofore been considered as a delegation of powers to the General Government, and not to the several States. But the assertion of the committee may be shortly answered by reading the twelfth amendment to the Constitution, *viz.:* "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States, respectively, or to the people." In order to prove that the powers are not reserved to the States, it is necessary to prove that they are delegated to Congress; and the committee, with that kind of logic which pervades the whole of their report, in order to prove that powers are delegated to Congress, assume the position that they do not belong to the States. The Constitution declares that the powers not prohibited to the States are reserved to them, and the committee asserts that the powers not given to the States are not reserved to them. It would seem, as the committee had been desirous of justifying, by their own arguments, what I have advanced, that the doctrine necessary to support the constitutionality of this law would infallibly swallow up all the powers of the several States. . . .

The Constitution gives to Congress no power over aliens, except that of naturalization. The power, therefore, remains with the States to give to aliens the rights of denizens. That power has not been exercised by that name; but it has, in fact, been carried into effect. Not only in some States have aliens been enabled to purchase, to hold, to inherit, and to leave by will, real estate,—a right which principally constitutes a denizen,—but many have actually been admitted in some States, either by special acts of the Legislature, or in conformity to former general laws, to all the rights of citizens of those States, so far as it was in the power of individual States to do it; that is to say, that they have received every right but such as arise from naturalization—every right of denizens. On the other hand, the laws of the Union have invited emigration, by holding out the prospect of being naturalized at the end of a period which, till nearly the time when the Alien Law passed, never exceeded five years. Under these laws, emigrants have, by a formal declaration before

our courts, given evidence of their intention of becoming citizens and of renouncing their former allegiance — a declaration almost tantamount to an actual renunciation. They have abandoned their native countries forever; many of them have acquired lands and married in America; most of them have here the whole of their property or their only means of subsistence. Under all these circumstances, it may be doubtful whether a great proportion of these aliens are not entitled to the rights of denizens; and if they are not so, by a strict construction of positive laws, at least, it can hardly be denied that the provisions of the law violate, in this respect, the dictates of humanity and justice.

The policy of this measure seems to be defended by the select committee on the same ground which is to be a pretense and a justification for every act of domestic oppression, for every encroachment of power, for every new tax, for every extravagant loan, for every prodigal act of expenditure, for every increase of the navy, for every standing army which may be raised under the various names of permanent army, additional army, provisional army, eventual army, or well-affected volunteers. The Alien and Sedition Acts form, in the opinion of the committee, an essential part of our general system of defense against France. I do not mean to follow them whilst they use, instead of arguments, the mere cant of the day. They cannot be serious when they tell us of the employment of the active talents of a numerous body of French citizens here as emissaries and spies. And if they are, does that committee mean to impose upon this House, as upon the people of some parts of the Union? Do we not know that, if there be any danger from France, the act respecting alien enemies is applicable to her citizens, and that the law now complained of respects alien friends, and was originally intended to operate, not against subjects of France, but against Irish emigrants and other subjects of Great Britain? Do we not know that, notwithstanding all the clamor of last summer, and notwithstanding the two laws passed on that subject, not a single French citizen has been removed?

Still less can I suppose that the committee were in earnest when they pretended to believe that the United States offered as easy and alluring a conquest to France as Egypt. They seem to have forgotten that Egypt was governed and defended by Mamelukes and inhabited by slaves; that the United States are, as yet, inhabited and defended by the people themselves. But if

the committee thought that the fear of an invasion did justify those laws, when passed, will they pretend to say that the danger, even in their opinion, now exists, and that the same necessity now justifies the continuance of the laws?

It is not only against invasion that those laws are said to be necessary. We are told of a system which convulses the civilized world and has shaken the fabric of society; of an unprecedented combination to establish new principles of social action on the subversion of religion, morality, law, and government. If these are the dangers which threaten us, and if Congress think themselves vested with all the powers which they may think expedient to repel them, I wish to know to what extent they may not legislate, and by what possible limitation they can be restrained, in their assumption of powers. There is not an individual on this floor, there is not a man of common understanding and common information in the nation, who, unless he is under the influence of the illusions of the new anti-republican fanaticism, or blinded by party spirit, does not know that these pretended dangers are, in America, the visionary phantoms of a disordered imagination. And I have taken notice of those sentiments merely to give an additional proof that, under pretense of preventing imaginary evils, an attempt is made to establish the omnipotence of Congress and substantial despotism on the ruins of our Constitution.

Is that a measure of security and general defense which puts a numerous body of aliens — aliens who are represented as so desperate and dangerous — under the absolute control of one man, which, by holding the rod of terror over their heads, and leaving their fate at his sole disposal, renders them complete slaves of the President, and makes them proper instruments for the execution of every project which ambition may suggest, which faction may dictate? Is that a government of laws which leaves us no security but in the confidence we have in the moderation and patriotism of one man? And do the abettors of these laws forget that even that is precarious, and that the unlimited power which they think safely lodged in one individual may, in a day, be vested in another man in whom they do not place the same confidence?

Is that a measure of general defense which has diminished confidence in the Government and produced disunion among the States and among the people?

Yet I am happy to find that even this law has produced such general dissatisfaction. I was the more alarmed on account of this law because, attacking only aliens, for whom no immediate concern could be felt, it might the more easily become the vehicle to introduce doctrines and innovations which would hereafter serve as a precedent to attack the liberties of the citizens themselves. A pretense of general defense may justify oppressive measures against citizens, as well as against aliens. Although some nice distinctions may now be made in order to discriminate one class from the other, yet it must be remembered that the only security of citizens against unconstitutional measures consists in a strict adherence to the Constitution; that their liberties are only protected by a parchment,—by words,—and that they may be destroyed whenever it shall be admitted that the strict and common sense of words may be construed away under the plea of some supposed necessity; whenever the Constitution shall be understood and exercised as an instrument unlimited where it grants power, and nugatory where it limits power.

We may feel alarmed when we see a committee of the House asserting that the powers not given to the States (and it may be added, by the same rule of construction, the powers not given to the people by the Constitution) belong to the General Government. We may feel alarmed when that committee insist that, although it is true that the trial of all crimes must be by jury, yet, to inflict a punishment when no offense, no crime, has been committed, is not a violation of the Constitution; when the the only distinction they apply to citizens consists in the difference of punishment, but not in a difference of the principle. We may feel alarmed when we find that Congress have already acted on those principles towards citizens; that they have already passed another law,—the Sedition Law,—grounded on the same principles, on the same doctrine, or rather on the same abandonment of the explicit and evident sense of the Constitution, which alone could justify the Alien Law. I hope—I trust—that the spirit which dictated both laws has subsided, even within these walls, and that the same Congress who, under the impressions of a momentary alarm, which prevented a cool investigation, hastily adopted those two measures, will have courage enough to revise their own conduct, to acknowledge their own errors, and, by a repeal of the obnoxious acts, restore general confidence, union, and harmony, amongst the States and the people.

LEON GAMBETTA

(1838–1882)

AMONG French opponents of monarchy, no one represents more distinctively the constructive power of the principles of popular government than Gambetta. When, under Louis Napoleon, French imperialism and all it stood for had failed so completely and so disastrously that to almost every one, except Gambetta, the condition of France seemed hopeless, he was upheld by his confidence in the people and by his faith in the reserve power of the average man to make the struggle after defeat which, if it did not succeed as he hoped, had a higher success in operating to re-establish the Republic on a permanent basis.

Gambetta was of Jewish extraction. He was born at Cahors, April 30, 1838, and educated for the law — a profession he began practicing in Paris in 1859. In 1869 he was elected to the Corps Legislatif, in which he acted with the "Irreconcilables." On September 4th, 1870, he joined in proclaiming France a Republic, and when appointed one of the Committee of National Defense, with a mission outside of Paris, he passed over the besieging German army in a balloon. Borrowing money in the name of the Republic, of which he was virtually dictator, he organized two armies of defense in a hopeless attempt to retrieve what Louis Napoleon had lost. After the final capitulation, he gave up the executive office and was elected to the National Assembly. In 1876 he entered the Chamber of Deputies, to the presidency of which he was elected three years later. He was Premier from November 1881 to January 1882, and, when he retired from public life, left his historical position secure as the ablest French Republican of the last half of the nineteenth century. He died December 31st, 1882.

FRANCE AFTER THE GERMAN CONQUEST

(From the Speech Delivered at Bordeaux, June 26th, 1871)

Gentlemen and Fellow-Citizens: —

I DID not desire to set foot in France again, after the labors you know of, or to take part in the responsibilities and work of the Republican party, without stopping in Bordeaux. Apropos of the grave situation in which we find our country, I wish to tell you, without mental reservation, as I am not the candidate of

this department, all that I hope, all that I desire to accomplish. [Cheers.]

Do not applaud, gentlemen! The hour is much too solemn for anything more than the exchange of esteem and reciprocal confidences. The actual situation in France, when closely examined, and when in such examination one is animated by a passion for justice and truth,— that is to say, when, by the rules of reason, one guards against the illusions of the heart,— is such as to inspire a profound sadness; but it invites us to the manliest measures and forbids any discouragement. Let us study it, and we will arrive at this conclusion,— that the Republican party, if it desire, it can; and if it know how, it will regenerate this country and erect a government of liberty out of this abyss of surprises, reactions, and failures. This is the demonstration which it is necessary to make to-day in the face of our competitors of the monarchial parties, not only to achieve the triumph of the principles to which we are attached, but, repeating it, we must not cease striving to give France her salvation.

At this hour what do we see in our country? We see men who had always slandered democracy, who hated it; who ignorantly or for gain, exploiting the credulity of others, had systematically misrepresented its methods,— we see such men attributing all the excesses of the last few months to the Republic, to which they never should have been charged; and I find an analogy full of instruction between the condition of affairs in May 1870 and the present hour. In 1870 France was put to the question — who then knew how and by whom it war done? But it is not the less true she was invested with the right to pronounce on her destinies. Through the agency of complicated fears, excited by a suborned press, aiding the basest interests, the interests of dynasties and of parasites, France was taken unawares, and her vote was at a disadvantage, but, nevertheless, she pronounced her decision with a lightning-like rapidity. Three months afterwards, the decision accomplished its ends. She was punished, she was scourged beyond all justice, for having abandoned herself to the criminal hands of an emperor.

To-day, again, in diverse forms, the same question is put to her. Will she abdicate again, and throw her power into the lap of a dynasty?

Under whatever name the thing is disguised, it is always the same question,— the question of whether France will govern herself in freedom, or will betray herself,— of whether the terrible

experience, from which she emerged mutilated and bleeding, has taught her at last to maintain her independence.

In spite of the excesses committed and the crimes which marked the end of the Commune in Paris; notwithstanding the flow of calumnies directed against the Republican party, there is one comforting fact:—in the midst of a civil war, the people preserved their coolness. The municipal elections attested that, on the very morn after this awful crisis, the country did not entertain reactionary schemes. This inspires us to set a like example. It should inspire us with patience and wisdom in our political actions. I really believe that all shades of Republicans can unite in France and present the spectacle of a disciplined party, firm in its principles, laborious, vigilant, and so resolute that it might convince France of its ability to govern,—in a word, a party accepting the axiom that power should be given to the wisest and most worthy.

Let us, then, be the worthiest! This will not cost us much effort, for the excellent reason that there is no wise, constructive politics but that of the Republican party. Let us be turned from the straight path of duty neither by calumnies nor injuries. If we will remain faithful at our posts, if, at all times and on all questions, we produce republican solutions, I am convinced we shall soon demonstrate, by comparison and contrast to the pretensions of those who have disdained or ignored us, that we are a governing party capable of directing public affairs, a party of intelligence and reason, and that among the men professing our principles are found those who afford the guarantees of science, of disinterestedness and of order, without which a government is merely an affair for the profit of the predaceous and unprincipled. Our Republic must be founded on, and maintained in, truth and right. Without discussing puerile differences, let me say that a government in whose name we make laws, conclude peace, raise milliards, render justice, suppress riots that would have sufficed to overthrow ten monarchies, is a government, established and legitimate, which proves its power and its right by its acts. Such a government imposes respect on all, and whoever would menace it is a factionist.

"To the wisest! to the most worthy"—this is a standard which we should accept without reserve! It is not a new formula for republicans; it is their dogma to see awarded the distinctions of public service only to merit and virtue. It is for

merit and morality that we vainly appealed to the Empire; it was even because morality was opposed to all compromise with a power founded on crime and maintained by corruption, that our opposition was irreconcilable and revolutionary. To-day, the opposition under a republican government changes its character and modifies its plan of conduct; it must guide and control, not destroy. Yes, we shall respect your authority, respect your legality, respect your decisions, but we shall never abandon the right to criticize and to reform; and as we have never asked of any one a favor, we shall let universal suffrage pronounce between those who disdain us and those who have the patience and constancy to contend for the Republic and for Liberty!

This conception of the rôle of an opposition under the Republic is due to the difference of the age and the time. It is certain, in the so-called heroic ages, chivalry of parties disappeared when one party realized its expectations. And to-day, to develop and apply our principles, we are under obligation to be as cold, as patient, as measured, as skillful, as we were vehement and enthusiastic when it was a question of repudiating the shams of the Lower Empire. And, gentlemen, let me tell you, the more we specialize, the more we centralize our efforts on a given point, the more rapidly we shall awaken devoted auxiliaries in the ranks of the voters who pronounce the final decision and end the delay which separates us from success. Unity, simplicity of object, should be our watchwords; but it does not suffice firmly to propose to make the Republican party at once the party of principles and practice, the party of the government. There must be a precise program. It must be the enemy of Utopias, and of chimeras; nothing must divert it from its realizations. It must never cease active struggle to remake the nation, recast its morals, and, snatching it from the hands of the intriguers, to see that it shall not be constantly forced from despotism to provoked rebellion.

We must get rid of the evil which causes our woes;—Ignorance whence emerge alternately despotism and demagogy! Of all the remedies which can solicit the attention of the statesman and politician to prevent such evils, there is one that excels and includes all the rest; it is universal education. We must discover by what measures and processes, on the morrow of our disasters, imputable not only to the government, to which we submitted, but to the degeneracy of public spirit, we can assure

ourselves against the falls, the errors, the surprises, the inferiorities which have cost us so much. Let us study our misfortunes, and go back to the causes: First of all, we allowed ourselves to be distanced by other peoples, less gifted than ourselves, who, however, were making progress while we remained stationary. Yes, we can establish, by the proof in hand, that it is the inferiority of our national education which led to our reverses. We were beaten by adversaries who had enlisted on their side caution, discipline, and science. This proves that on a last analysis, even among the conflicts of material forces, intelligence remains the master. And looking within, is it not the ignorance, in which the masses were allowed to exist, that has engendered, almost at fixed epochs, the crises, the frightful explosions, which appear in the course of our history as a sort of a chronic ill, to such a degree that we could almost announce in advance the arrival of these vast social tempests?

We must disembarrass ourselves of the past! We must remake France! Such was the cry from every heart on the morrow of our disasters. For three months that plaintive cry was heard from a people who would not perish. That cry is heard no longer. To-day we hear only of plots and dynastic intrigues. It seems to be only a question of which pretender shall seize on the ruins of this imperiled country. This must cease! We must resolutely discard these scandalous parleys, and think only of France. We must return to the disinherited and the ignorant, and make universal suffrage, which is the force of numbers, the enlightening power of reason. We must accomplish the revolution. Yes, calumniated as are to-day some of the men and the principles of the French Revolution, we should value them highly, pushing on with our work, which will end only when the revolution is accomplished. But, gentlemen, by the word "Revolution" I comprehend the diffusion of the principles of justice and reason which animated it, and I repudiate, with all my power, the calculated perfidy of our adversaries who would confuse it with enterprises of violence. The Revolution would have guaranteed to all justice, equality, liberty; it proclaimed the reign of labor, and it would have assured to all its legitimate fruits. But it had several checks. The material conquests in part remained, but the moral and political consequences are in great part yet to be realized. The workingmen and the peasants,—these have had but few material benefits, assuredly precious and worthy our

solicitude, but as yet insufficient to make them free and complete citizens. There is nothing more natural than the acts and votes of the peasantry, of which complaint is made, without taking into account the inferior intellectual state in which society keeps them. These complaints are unjust and ill-founded. They will react on those who make them.

They are the result of the organization of society without foresight. The peasantry is intellectually several centuries behind the enlightened and educated classes of the country. Yes, the distance is immense between them and us, who have received a classical or scientific education — even the imperfect one of our day. We have learned to read our history, to speak our language, while (a cruel thing to say!) so many of our countrymen can only babble! Ah! that peasant, bound to the tillage of the soil, who bravely carries the burdens of his day, with no other consolation than that of leaving to his children the paternal fields, perhaps increased an acre in extent! All his passions, joys, fears, are concentrated on the fate of his patrimony. Of the external world, of the society in which he lives, he apprehends but legends and rumors; he is the prey of the cunning and the fraudulent! He strikes, without knowing it, the bosom of the Revolution, his benefactress; he gives loyally his taxes and his blood to a society for which he feels fear, as much as respect. But there his rôle ends, and if you speak to him of principles, he knows nothing of them. It is to the peasantry, then, we must address ourselves. They are the ones we must raise and instruct. The epithets the parties have bandied of "rurality" and "rural chamber" must not be the cause of injustice. Yes, it is to be wished that there were a "rural chamber," in the profound and true sense of the term, for it is not with hobble-de-hoys a rural chamber can be made, but with enlightened and free peasants, able to represent themselves. And instead of being the cause of raillery, this reproach of a "rural chamber" would be a tribute rendered to the progress of the civilization of the masses. This new social force could be utilized for the general welfare. Unfortunately, we have not yet reached that point, and this progress will be denied us as long as the French Democracy fail to demonstrate that if we would remake our country, if we would return her to her grandeur, her power, and her genius, it is the vital interest of her superior classes to elevate, to emancipate this people of workers, who hold in reserve a

force still virgin and able to develop inexhaustible treasures of activities and aptitudes. We must learn and then teach the peasant what he owes to society and what he has the right to ask of her.

On the day when it will be well understood that we have no grander or more pressing work; that we should put aside and postpone all other reforms; that we have but one task, the instruction of the people, the diffusion of education, the encouragement of science,—on that day a great step will have been taken in your regeneration. But our action needs to be a double one, that it may bear upon the body as well as the mind. To be exact, each man should be intelligent, trained not only to think, read, and reason, but able also to act, to fight! Everywhere beside the teacher, we should place the gymnast and the soldier, to the end that our children, our soldiers, our fellow-citizens, should be able to hold a sword, to carry a gun on a long march, to sleep under the canopy of the stars, to support valiantly all the hardships demanded of a patriot. We must push to the front these two educations. Otherwise you make a success of letters, but do not create a bulwark of patriots.

Yes, gentlemen, if they have outclassed us, if you had to submit to the supreme agony of seeing the France of Kleber and of Hoche lose her two most patriotic provinces, those best embodying at once the military, commercial, industrial, and democratic spirit, we can blame only our inferior physical and moral condition. To-day the interests of our country command us to speak no imprudent words, to close our lips, to sink to the bottom of our hearts our resentments, to take up the grand work of national regeneration, to devote to it all the time necessary, that it may be a lasting work. If it need ten years, if it need twenty years, then we must devote to it ten or twenty years. But we must commence at once, that each year may see the advancing life of a new generation, strong, intelligent, as much in love with science as with the Fatherland, having in their hearts the double sentiment that he serves his country well only when he serves it with his reason and his arm.

We have been educated in a rough school. We must therefore cure ourselves of the vanity which has caused us so many disasters. We must also realize conscientiously where our responsibility exists and, seeing the remedy, sacrifice all to the object to be attained—to remake and reconstitute France! For that,

nothing should be accounted too good and we shall ask nothing before this — the first demand must be for an education as complete from base to summit as is known to human intelligence. Naturally, merit must be recognized, aptitude awakened and approved, and honest and impartial judges freely chosen by their fellow-citizens, deciding publicly in such a way that merit alone will open the door. Reject as authors of mischief those who have put words in the place of action; all those who have put favoritism in the place of merit; all those who made the profession of arms not a means for the protection of France, but a means of serving the caprices of a master, and sometimes of becoming the accomplices of his crimes. In one word let us get back to truth, and let it be known to all the world that when a citizen is born in France, he is born a soldier; and that no matter who he is, who would shirk his double duty of civil and military instruction, he will be pitilessly deprived of his rights as a citizen and an elector. Let the thought enter the very souls of the present and coming generations, that in a democratic government whoever is not ready to bear a share of its troubles and trials is not fit to take part in the government. Thus, gentlemen, you enter into the verity of democratic principles, which are to honor labor and to make of industry and science the two elements constituting the whole of free society. Oh, what a nation we could make with such a discipline followed religiously for a term of years, with the admirable adaptability of our race for the production of thinkers, savants, heroes, and liberal spirits! In thinking on this great subject, we rise swiftly above the sadness of the present, to view the future with confidence. . . .

It is better to have a Republican minority — firm, energetic, vigilant in its attitude towards the acts of the majority — than to be one of a majority of inconstant, lukewarm men, who seem to be only able to carry on public affairs by compromising their principles.

Following this first line of conduct, I would demonstrate by such logic that there is to-day no other experiment in the way of national reform possible than this of public education and national armament.

In seeing the accomplishment of this double reform, I shall not take the time and patience to discuss lengthily the attendant and lateral questions which are subordinated to the realization of these first and capital necessities.

It means the reconstruction of the blood, the bone, the very marrow of France. Know it well: we must give everything, our time, our money, to this supreme interest. The people will not haggle over the millions needed for the education of the poor and ignorant. They will question expenditure on the part of those whose designs tend always to the restoration of monarchies, to ridiculous disbursement, or to the subjection of the country itself.

And in passing, gentlemen, one reason why the monarchy cannot be restored among us is that we are no longer rich enough to support it.

As a result we shall have resolved thereby the most vital of all problems: the equalization of the classes, and the dissipation of the pretended antagonism between the cities and the country. We shall have suppressed political parasites and, by the diffusion of knowledge to all, shall have given to the country its moral and political vigor Thus we may attain a double insurance,—one against crimes threatening the common right, by the elevation of the standard of public morality; the other against risk of revolution, by giving satisfaction and security to the acquired rights of some and to the legitimate aspirations of others.

Such is the program at once radical and conservative which the Republic alone can accomplish. Then throughout the world the friends of France would be reassured. She would emerge regenerated by her great trials, and even under the blows of ill fortune she would appear grander, more prosperous, prouder than ever.

JAMES ABRAM GARFIELD

(1831–1881)

MORE than any other American President, Garfield had the temperament and the mental habits of the orator. The attack he made in 1864 on his colleague, Congressman Long, of Ohio, was, undoubtedly, the spontaneous expression of his own deepest emotions. It represented the feeling which was hurrying regiment after regiment to the front, and it is doubtful if anything else said during the whole course of the war is so nearly adequate as an expression of the intensity of its passion. Sensitive in his physical organization, easily moved to tenderness, and incapable of malice, Garfield had that ready responsiveness to his own emotions, as well as to those of others, which nearly always characterizes genius. This he showed most strikingly in denouncing Long, as he did on other occasions in Congress during the sectional contest. Intellectually, however, he was by nature conservative, and his close association with Mr. Blaine was a result of the intellectual sympathy between them. This much may be added to what is said by Mr. Blaine himself in the remarkable address published in the second volume of this work. That masterly characterization ought to be read and re-read by every student of the times in which these two great Americans did so much to save the country from the destructive forces originating in civil war.

REVOLUTION AND THE LOGIC OF COERCION

(Delivered in the House of Representatives, April 8th, 1864, Against a Motion to Negotiate for Peace with the Southern Confederacy)

Mr. Chairman:—

I SHOULD be obliged to you if you would direct the Sergeant-at-Arms to bring a white flag and plant it in the aisle between myself and my colleague [Congressman Alexander Long, of Ohio], who has just addressed you.

I recollect on one occasion, when two great armies stood face to face, that under a white flag just planted, I approached a company of men dressed in the uniform of the rebel Confederacy, and reached out my hand to one of the number and told him I

respected him as a brave man. Though he wore the emblems of disloyalty and treason, still underneath his vestments I beheld a brave and honest soul.

I would reproduce that scene here this afternoon. I say, were there such a flag of truce — but God forgive me if I should do it under any other circumstances. I would reach out this right hand and ask that gentleman to take it, because I honor his bravery and his honesty. I believe what has just fallen from his lips is the honest sentiment of his heart, and in uttering it he has made a new epoch in the history of this war; he has done a new thing under the sun; he has done a brave thing. It is braver than to face cannon and musketry, and I honor him for his candor and frankness.

But now I ask you to take away the flag of truce; and I will go back inside the Union lines, and speak of what he has done. I am reminded by it of a distinguished character in 'Paradise Lost.' When he had rebelled against the glory of God, and "led away a third part of heaven's sons, conjured against the Highest," when, after terrible battles in which mountains and hills were hurled down "nine times the space that measures day and night," and after the terrible fall lay stretched prone on the burning lake, Satan lifted up his shattered bulk, crossed the abyss, looked down into Paradise, and, soliloquizing, said:—

"Which way I fly is hell; myself am hell."

It seems to me in that utterance he expressed the very sentiment to which you have just listened,—uttered by one no less brave, malign, and fallen. This man gathers up the meaning of this great contest, the philosophy of the moment, the prophecies of the hour, and, in sight of the paradise of victory and peace, utters them all in this wail of terrible despair: "Which way I fly is hell." He ought to add, "Myself am hell."

But now, when hundreds of thousands of brave souls have gone up to God under the shadow of the flag, and when thousands more, maimed and shattered in the contest, are sadly awaiting the deliverance of death; now, when three years of terrific warfare have raged over us, when our armies have pushed the rebellion back over mountains and rivers, and crowded it back into narrow limits, until a wall of fire girds it; now, when the uplifted hand of a majestic people is about to let fall the light-

ning of its conquering power upon the rebellion; now, in the quiet of this hall, hatched in the lowest depths of a similar dark treason, there rises a Benedict Arnold and proposes to surrender us all up, body and spirit, the nation and the flag, its genius and its honor, now and forever, to the accursed traitors to our country. And that proposition comes — God forgive and pity my beloved State! — it comes from a citizen of the honored and loyal Commonwealth of Ohio!

I implore you, brethren in this House, not to believe that many such births ever gave pangs to my mother State such as she suffered when that traitor was born. I beg you not to believe that on the soil of that State another such growth has ever deformed the face of nature, and darkened the light of God's day. But ah! I am reminded that there are other such. My zeal and love for Ohio have carried me too far. I retract. I remember that only a few days since, a political convention met at the capital of my State, and almost decided to select from just such material a Representative for the Democratic party in the coming contest; and to-day, what claim to be a majority of the Democracy of that State say that they have been cheated, or they would have made that choice. I, therefore, sadly take back the boast I first uttered in behalf of my native State.

But, sir, I will forget States. We have something greater than States and State pride to talk of here to-day. All personal or State feeling aside, I ask you what is the proposition which the enemy of his country has just made? What is it?

For the first time in the history of this contest, it is proposed in this hall to give up the struggle, to abandon the war, and let treason run riot through the land! I will, if I can, dismiss feeling from my heart, and try to consider only what bears upon that logic of the speech to which we have just listened.

First of all, the gentleman tells us that the right of secession is a constitutional right. I do not propose to enter into the argument. I have expressed myself hitherto upon State sovereignty and State rights, of which this proposition of his is the legitimate child.

But the gentleman takes higher ground, — and in that I agree with him, — namely, that five million or eight million people possess the right of revolution. Grant it; we agree there. If fifty-nine men can make a revolution successful, they have the right of revolution. If one State wishes to break its connection with

the Federal Government, and does it by force, maintaining itself, it is an independent State. If the eleven Southern States are determined and resolved to leave the Union, to secede, to revolutionize, and can maintain that revolution by force, they have the revolutionary right to do so. Grant it. I stand on that platform with the gentleman.

And now the question comes: Is it our constitutional duty to let them do it? That is the question, and in order to reach it I beg to call your attention, not to an argument, but to the condition of affairs which would result from such action — the mere statement of which becomes the strongest possible argument. What does this gentleman propose? Where will he draw the line of division? If the rebels carry into successful secession what they desire to carry; if their revolution envelop as many States as they intend it shall envelop; if they draw the line where Isham G. Harris, the rebel governor of Tennessee, in the rebel camp near our lines, told Mr. Vallandigham they would draw it,— along the line of the Ohio and of the Potomac; if they make good their statement to him that they will never consent to any other line, then I ask what is this thing that the gentleman proposes to do?

He proposes to leave to the United States a territory reaching from the Atlantic to the Pacific, and one hundred miles wide in the centre! From Wellsville, on the Ohio River, to Cleveland on the Lakes, is one hundred miles. I ask you, Mr. Chairman, if there be a man here so insane as to suppose that the American people will allow their magnificent national proportions to be shorn to so deformed a shape as this?

I tell you, and I confess it here, that while I hope I have something of human courage, I have not enough to contemplate such a result. I am not brave enough to go to the brink of the precipice of successful secession and look down into its damned abyss. If my vision were keen enough to pierce to its bottom, I would not dare to look. If there be a man here who dares contemplate such a scene, I look upon him either as the bravest of the sons of women, or as a downright madman. Secession to gain peace! Secession is the tocsin of eternal war. There can be no end to such a war as will be inaugurated if this thing be done.

Suppose the policy of the gentleman were adopted to-day. Let the order go forth; sound the "recall" on your bugles, and

let it ring from Texas to the far Atlantic, and tell the armies to come back. Call the victorious legions to come back over the battlefields of blood, forever now disgraced. Call them back over the territory which they have conquered. Call them back, and let the minions of secession chase them with derision and jeers as they come. And then tell them that that man across the aisle, from the free State of Ohio, gave birth to the monstrous proposition!

Mr. Chairman, if such a word should be sent forth through the armies of the Union, the wave of terrible vengeance that would sweep back over this land could never find a parallel in the records of history. Almost in the moment of final victory, the "recall" is sounded by a craven people not deserving freedom! We ought every man to be made a slave, should we sanction such a sentiment.

The gentleman has told us there is no such thing as coercion justifiable under the Constitution. I ask him for one moment to reflect that no statute was ever enforced without coercion. It is the basis of every law in the universe — God's law as well as man's. A law is no law without coercion behind it. When a man has murdered his brother, coercion takes the murderer, tries him, and hangs him. When you levy your taxes, coercion secures their collection; it follows the shadow of the thief and brings him to justice; it accompanies your diplomacy to foreign countries, and backs the declaration of a nation's rights by a pledge of the nation's power. But when the life of that nation is imperiled, we are told it has no coercive power against the parricides in its own bosom. Again, he tells us that oaths taken under the Amnesty Proclamation are good for nothing. The oath of Galileo, he says, was not binding upon him. I am reminded of another oath that was taken; but perhaps it, too, was an oath on the lips alone to which the heart made no response.

I remember to have stood in a line of nineteen men from Ohio, on that carpet yonder, on the first day of the session, and I remember that, with uplifted hands, before Almighty God, those nineteen took an oath to support and maintain the Constitution of the United States. And I remember that another oath was passed around, and each member signed it as provided by law, utterly repudiating the rebellion and its pretenses. Does the gentleman not blush to speak of Galileo's oath? Was not his own its counterpart?

I said a little while ago that I accepted the proposition of the gentleman that the rebels had the right of revolution; and the decisive issue between us and the rebellion is, whether they shall revolutionize and destroy, or we shall subdue and preserve. We take the latter ground. We take the common weapons of war to meet them; and, if these be not sufficient, I would take any element which will overwhelm and destroy; I would sacrifice the dearest and best beloved; I would take all the old sanctions of law and the Constitution, and fling them to the winds, if necessary, rather than let the nation be broken in pieces, and its people destroyed with endless ruin.

THE CONFLICT OF IDEAS IN AMERICA

(From the Reply to Lamar, Delivered in Committee of the Whole of the House of Representatives)

Mr. Chairman:—

GREAT ideas travel slowly, and for a time noiselessly, as the gods, whose feet are shod with wool. Our War of Independence was a war of ideas, of ideas evolved out of two hundred years of slow and silent growth. When, one hundred years ago, our fathers announced as self-evident truths the declaration that all men are created equal, and the only just power of governments is derived from the consent of the governed, they uttered a doctrine that no other nation had ever adopted, that not one kingdom on the earth then believed. Yet to our fathers it was so plain that they would not debate it. They announced it as a truth "self-evident."

Whence came the immortal truth of the Declaration? To me this was for years the riddle of our history. I have searched long and patiently through the books of the Doctrinaires to find the germs from which the Declaration of Independence sprang I find hints in Locke, in Hobbes, in Rousseau, and Fénelon; but they were only the hints of dreamers and philosophers. The great doctrines of the Declaration germinated in the hearts of our fathers, and were developed under the new influences of this wilderness world, by the same subtle mystery which brings forth the rose from the germ of the rose tree. Unconsciously to themselves, the great truths were growing under the new conditions, until, like the century plant, they blossomed into the matchless

beauty of the Declaration of Independence, whose fruitage, increased and increasing, we enjoy to-day.

It will not do, Mr. Chairman, to speak of the gigantic revolution through which we have lately passed as a thing to be adjusted and settled by a change of administration. It was cyclical, epochal, century-wide, and to be studied in its broad and grand perspective — a revolution of even wider scope, so far as time is concerned, than the Revolution of 1776. We have been dealing with elements and forces which have been at work on this continent more than two hundred and fifty years. I trust I shall be excused if I take a few moments to trace some of the leading phases of the great struggle. And in doing so, I beg gentlemen to see that the subject itself lifts us into a region where the individual sinks out of sight and is absorbed in the mighty current of great events. It is not the occasion to award praise or pronounce condemnation. In such a revolution men are like insects that fret and toss in the storm, but are swept onward by the resistless movements of elements beyond their control. I speak of this revolution not to praise the men who aided it, or to censure the men who resisted it, but as a force to be studied, as a mandate to be obeyed.

In the year 1620 there were planted upon this continent two ideas irreconcilably hostile to each other. Ideas are the great warriors of the world; and a war that has no ideas behind it is simply brutality. The two ideas were landed, one at Plymouth Rock, from the Mayflower, and the other from a Dutch brig at Jamestown, Virginia. One was the old doctrine of Luther, that private judgment, in politics as well as religion, is the right and duty of every man; and the other, that capital should own labor, that the negro had no rights of manhood, and the white man might justly buy, own, and sell him and his offspring forever. Thus freedom and equality, on the one hand, and, on the other, the slavery of one race and the domination of another, were the two germs planted on this continent. In our vast expanse of wilderness, for a long time there was room for both; and their advocates began their race across the continent, each developing the social and political institutions of their choice. Both had vast interests in common, and for a long time neither was conscious of the fatal antagonisms that were developing.

For nearly two centuries there was no serious collision; but when the continent began to fill up, and the people began to

jostle each other; when the Roundhead and the Cavalier came near enough to measure opinions, the irreconcilable character of the two doctrines began to appear. Many conscientious men studied the subject, and came to the belief that slavery was a crime, a sin, or, as Wesley said, "the sum of all villainies." This belief dwelt in small minorities for a long time. It lived in the churches and vestries, but later found its way into the civil and political organizations of the country, and finally found its way into this chamber. A few brave, clear-sighted, far-seeing men announced it here, a little more than a generation ago. A predecessor of mine, Joshua R. Giddings, following the lead of John Quincy Adams, of Massachusetts, almost alone held up the banner on this floor, and from year to year comrades came to his side. Through evil and through good report, he pressed the question upon the conscience of the nation, and bravely stood in his place in this House, until his white locks, like the plume of Henry of Navarre, showed where the battle of freedom raged most fiercely.

And so the contest continued; the supporters of slavery believing honestly and sincerely that slavery was a divine institution; that it found its high sanctions in the living oracles of God and in a wise political philosophy; that it was justified by the necessities of their situation; and that slaveholders were missionaries to the dark sons of Africa, to elevate and bless them. We are so far past the passions of that early time that we can now study the progress of the struggle as a great and inevitable development, without sharing in the crimination and recrimination that attended it. If both sides could have seen that it was a contest beyond their control; if both parties could have realized the truth that "unsettled questions have no pity for the repose of nations," much less for the fate of political parties, the bitterness, the sorrow, the tears, and the blood might have been avoided. But we walked in darkness, our paths obscured by the smoke of the conflict, each following his own convictions through ever-increasing fierceness, until the debate culminated in "the last argument to which kings resort."

This conflict of opinion was not merely one of sentimental feeling; it involved our whole political system; it gave rise to two radically different theories of the nature of our government; the North believing and holding that we were a nation, the South insisting that we were only a confederation of sovereign

States, and insisting that each State had the right, at its own discretion, to break the Union, and constantly threatening secession where the full rights of slavery were not acknowledged.

Thus the defense and aggrandizement of slavery, and the hatred of abolitionism, became, not only the central idea of the Democratic party, but its master passion — a passion intensified and inflamed by twenty-five years of fierce political contest, which had not only driven from its ranks all those who preferred freedom to slavery, but had absorbed all the extreme pro-slavery elements of the fallen Whig party. Over against this was arrayed the Republican party, asserting the broad doctrines of nationality and loyalty, insisting that no State had a right to secede, that secession was treason, and demanding that the institution of slavery should be restricted to the limits of the States where it already existed. But here and there many bolder and more radical thinkers declared, with Wendell Phillips, that there never could be union and peace, freedom and prosperity, until we were willing to see John Hancock under a black skin.

Mr. Chairman, ought the Republican party to surrender its truncheon of command to the Democracy? The gentleman from Mississippi says, if this were England the ministry would go out within twenty-four hours with such a state of things as we have here. Ah, yes! that is an ordinary case of change of administration. But if this were England, what would she have done at the end of the war? England made one such mistake as the gentleman asks this country to make, when she threw away the achievements of the grandest man that ever trod her highway of power. Oliver Cromwell had overturned the throne of despotic power, and had lifted his country to a place of masterful greatness among the nations of the earth; and when, after his death, his great sceptre was transferred to a weak, though not unlineal hand, his country, in a moment of reactionary blindness, brought back the Stuarts. England did not recover from that folly until, in 1689, the Prince of Orange drove from her island the last of that weak and wicked line. . . .

I will close by calling your attention again to the great problem before us. Over this vast horizon of interests, North and South, above all party prejudices and personal wrongdoing, above our battle hosts and our victorious cause, above all that we hoped for and won, or you hoped for and lost, is the grand, onward movement of the Republic to perpetuate its glory, to save liberty

alive, to preserve exact and equal justice to all, to protect and foster all these priceless principles, until they shall have crystallized into the form of enduring law, and become inwrought into the life and habits of our people.

And, until these great results are accomplished, it is not safe to take one step backward. It is still more unsafe to trust interests of such measureless value in the hands of an organization whose members have never comprehended their epoch, have never been in sympathy with its great movements, who have resisted every step of its progress, and whose principal function has been —

"To lie in cold obstruction"

across the pathway of the nation.

No, no, gentlemen, our enlightened and patriotic people will not follow such leaders in the rearward march! Their myriad faces are turned the other way; and along their serried lines still rings the cheering cry: "Forward! till our great work is fully and worthily accomplished."

WILLIAM LLOYD GARRISON

(1804–1879)

WILLIAM LLOYD GARRISON became an orator by force of the uncompromising convictions which made him, as a journalist, the head and front of the agitation for the immediate and unconditional abolition of slavery. Of the many speeches he made between 1831 and 1861, that on the death of John Brown has the greatest historic interest, and is doubtless the most characteristic.

Garrison was born at Newburyport, Massachusetts, December 12th, 1804, and was bred to the printer's trade. He began to write at an early period of his career, but his first impetus as a leader of the agitation against slavery seems to have been given by his employment as a compositor on Benjamin Lundy's Genius of Universal Emancipation—a publication of which Garrison became associate editor. Lundy leaned to gradual emancipation, colonization, and a general policy of mildness towards the slave-owners. Garrison's individuality as a leader of the immediate abolition movement was not fully developed until 1831, when he founded the Liberator, in Boston. In 1832 he organized an Abolition Society in Boston and followed this preliminary work by organizing the Massachusetts Anti-Slavery Society, of which he was president from 1843 to 1865. Through the Liberator and through the work of the Anti-Slavery Society, he opposed, with determined earnestness, the efforts of Clay, Webster, Choate, Everett, and others, to effect compromises and secure postponement. His influence was greater in forcing issues than that of all the great statesmen of his day in attempting to evade them, and it was in recognition of this fact that, after the fall of Charleston, he was sent there to make, in 1865, the speech which virtually closed his political career. He took no active part in the politics of the reconstruction period, and when he died, May 24th, 1879, he had outlived all active animosity and had become one of the great historical figures of the Civil War period.

THE OLD STATE HOUSE, BOSTON.

From a Photograph made direct from the Building.

«BEGINNING A REVOLUTION»

(From a Speech at a Mass Meeting at Concord, Massachusetts, September 22d, 1845, Reported in the Liberator)

AN OVERWHELMING majority of the whole people are prepared to indorse this horrible deed of Texan annexation. The hearts of the few who hate it are giving way in despair; the majority have got the mastery. Shall we therefore retreat, acknowledge ourselves conquered, and fall into the ranks of the victors? Shall we agree that it is idle, insane, to contend for the right any longer?

Sir, I dreaded, almost, when I heard this convention called. I will be frank with you. I am afraid you are not ready to do your duty; and if not, you will be made a laughingstock by tyrants and their tools, and it ought to be so.

I have nothing to say, sir — nothing. I am tired of words — tired of hearing strong things said, when there is no heart to carry them out. When we are prepared to state the whole truth, and die for it, if necessary, — when, like our fathers, we are prepared to take our ground, and not shrink from it, counting not our lives dear unto us, — when we are prepared to let all earthly hopes go by the board — then let us say so; till then the less we say the better, in such an emergency as this.

"But who are we?" will men ask, "that talk of such things? Are we enough to make a revolution?" No, sir; but we are enough to begin one, and, once begun, it can never be turned back. I am for revolution were I utterly alone. I am there because I must be there. I must cleave to the right. I cannot choose but obey the voice of God. Now, there are but few who do not cling to their agreement with hell, and obey the voice of the devil. But soon the number who shall resist will be multitudinous as the stars of heaven.

In the beginning, what a gross absurdity did our fathers exhibit! — trying to do what is not in the power of God — to reconcile the irreconcilable — to make Slavery and Freedom mingle and cohere! It can never be. Look at the lover of freedom and the advocate of slavery, the slaveholder and the abolitionist, at this day. Do they acknowledge the same God? Do they worship at the same shrine? A government composed of both is impossible; and he who would pass for a lover of freedom

should have found it out. Do not tell me of our past union, and for how many years we have been one. We were only one while we were ready to hunt, shoot down, and deliver up the slave, and allow the Slave Power to form an oligarchy on the floor of Congress! The moment we say no to this, the Union ceases — the Government falls.

The question now is, shall there longer remain any freemen in this country? — for, of course, if we continue with the South, standing with her, and by her, in her aggressions upon Mexico — if we see her taking foreign territory to herself, and yet aid her in retaining it, we are as bad as she — betrayers of our sacred trust of freedom, and forgers of our own chains.

I thank God that, as has been stated by you, sir, we stand on common ground here to-day. I pray God that party and sect may not be remembered. I trust that the only question we shall feel like asking each other is: Are we prepared to stand by the cause of God and Liberty, and to have no union with slaveholders?

ON THE DEATH OF JOHN BROWN

(Delivered in Tremont Temple, December 2d, 1859, 'In Relation to the Execution of John Brown.' Reported in the Liberator)

God forbid that we should any longer continue the accomplices of thieves and robbers, of men-stealers and women-whippers! We must join together in the name of freedom. As for the Union — where is it and what is it? In one half of it, no man can exercise freedom of speech or the press — no man can utter the words of Washington, of Jefferson, of Patrick Henry — except at the peril of his life; and Northern men are everywhere hunted and driven from the South, if they are supposed to cherish the sentiment of freedom in their bosoms. We are living under an awful despotism — that of a brutal slave oligarchy. And they threaten to leave us, if we do not continue to do their evil work, as we have hitherto done it, and go down in the dust before them! Would to heaven they would go! It would only be the paupers clearing out from the town, would it not? But, no, they do not mean to go; they mean to cling to you, and they mean to subdue you. But will you be subdued? I tell you our work is the dissolution of this slavery-cursed Union, if we would have a fragment of our liberties left to us!

Surely between freemen, who believe in exact justice and impartial liberty, and slaveholders, who are for cleaning down all human rights at a blow, it is not possible there should be any Union whatever. "How can two walk together except they be agreed?" The slaveholder with his hands dripping in blood,—will I make a compact with him? The man who plunders cradles,—will I say to him: "Brother, let us walk together in unity"? The man who, to gratify his lust or his anger, scourges woman with the lash till the soil is red with her blood,—will I say to him: "Give me your hand; let us form a glorious Union"? No, never—never! There can be no union between us: "What concord hath Christ with Belial?" What union has freedom with slavery? Let us tell the inexorable and remorseless tyrants of the South that their conditions hitherto imposed upon us, whereby we are morally responsible for the existence of slavery, are horribly inhuman and wicked, and we cannot carry them out for the sake of their evil company.

By the dissolution of the Union, we shall give the finishing blow to the slave system; and then God will make it possible for us to form a true, vital, enduring, all-embracing Union, from the Atlantic to the Pacific,—one God to be worshiped, one Savior to be revered, one policy to be carried out,—freedom everywhere to all the people, without regard to complexion or race,—and the blessing of God resting upon us all! I want to see that glorious day! Now the South is full of tribulation and terror and despair, going down to irretrievable bankruptcy, and fearing each bush an officer! Would to God it might all pass away like a hideous dream! And how easily it might be! What is it that God requires of the South, to remove every root of bitterness, to allay every fear, to fill her borders with prosperity? But one simple act of justice, without violence and convulsion, without danger and hazard. It is this: "Undo the heavy burdens, break every yoke, and let the oppressed go free!" Then shall thy light break forth as the morning, and thy darkness shall be as the noonday. Then shalt thou call and the Lord shall answer; thou shalt cry, and he shall say: "Here I am." "And they that shall be of thee shall build the old waste places; thou shalt raise up the foundations of many generations; and thou shalt be called the repairer of the breach, the restorer of paths to dwell in."

How simple and how glorious! It is the complete solution of all the difficulties in the case. Oh, that the South may be wise

before it is too late, and give heed to the word of the Lord! But, whether she will hear or forbear, let us renew our pledges to the cause of bleeding humanity, and spare no effort to make this truly the land of the free and the refuge of the oppressed!

"Onward, then, ye fearless band,
Heart to heart, and hand to hand;
Yours shall be the Christian stand,
Or the martyr's grave."

THE UNION AND SLAVERY

(Delivered at the Celebration of Independence Day, July 5th, 1850, and Reported in the Liberator)

I AM at a loss to know what our friend Mr. Phillips meant when he said that, being a nonvoter, he could not sign the petition asking the legislature of Massachusetts to decree the freedom of every fugitive slave coming into this State. I should like to hear from him somewhat more definitely on this point. For one, I intend to sign the petition and to get as many signatures to it as I can, and I, also, am a nonvoter. It is true, what we cannot do ourselves, we cannot do by another; but I can and do, as an individual, make the decree that I wish the legislature to make respecting every fugitive slave coming into this State. True, my decree will not avail much; but when the people of this Commonwealth shall add their voices to mine, their decree will be potential. Now, to their shame, they are in covenant with Southern slaveholders not to allow the trembling fugitive to find safety and freedom among them. It is a wicked covenant, and I ask them to obliterate it, and to write in the place of it: "Every fugitive slave shall be free as soon as he touches the soil of Massachusetts!"

But it will probably be objected that to ask Massachusetts to make such a decree, while she stands constitutionally pledged to permit the slave hunter to seize his victim, is to ask her to be guilty of perfidy, and is tantamount to a dissolution of the Union. Nevertheless, I say, Massachusetts is morally bound to protect every fugitive slave coming within her limits; and if the legislature shall avow to the world that she cannot do this, because of her constitutional stipulation to do just the reverse of it, that is just the confession I desire to be made "before all

Israel and the sun," to convict her, out of her own mouth, of being a kidnaping State, and willing to continue such, for the sake of remaining in a slaveholding Union. If she tell me she can pass the decree for which we petition, and go out of the Union, then I say to her: "Pass it, and let the Union slide!" People of Massachusetts, before God it is your duty to "hide the outcast and betray not him that wandereth." See that you do it, whether the Union stand or fall!

SPEECH AT CHARLESTON, SOUTH CAROLINA IN 1865

(Delivered April 14th, 1865 — Reported in the Liberator)

My Friends: —

I AM so unused to speaking in this place that I rise with feelings natural to a first appearance. You would scarce expect one of my age — and antecedents — to speak in public on this stage, or anywhere else in the city of Charleston, South Carolina. And yet, why should I not speak here? Why should I not speak anywhere in my native land? Why should I not have spoken here twenty years ago, or forty, as freely as any one? What crime had I committed against the laws of my country? I have loved liberty for myself, for all who are dear to me, for all who dwell on American soil, for all mankind. The head and front of my offending hath this extent, no more. Thirty years ago I put this sentiment into rhyme: —

"I am an Abolitionist;
I glory in the name;
Though now by Slavery's minions hissed,
And covered o'er with shame.
It is a spell of light and power,
The watchword of the free;
Who spurns it in the trial hour,
A craven soul is he."

I said that in the city of Boston in 1835, and I was drawn through the streets of that city by violent hands, and committed to jail in order to preserve my life. In 1865, I say it, not only with impunity, but with the approbation of all loyal hearts in the city of Charleston. Yes, we are living in altered times. To me it is something like the transition from death to life — from the

cerements of the grave to the robes of heaven. In 1829 I first hoisted in the city of Baltimore the flag of immediate, unconditional, uncompensated emancipation; and they threw me into their prison for preaching such gospel truth. My reward is, that in 1865 Maryland has adopted Garrisonian Abolitionism, and accepted a constitution indorsing every principle and idea that I have advocated in behalf of the oppressed slave.

The first time I saw that noble man, Abraham Lincoln, President of the United States, at Washington,—and of one thing I feel sure, either he has become a Garrisonian Abolitionist, or I have become a Lincoln Emancipationist, for I know that we blend together, like kindred drops, into one, and his brave heart beats for human freedom everywhere,—I then said to him: "Mr. President, it is thirty-four years since I visited Baltimore; and when I went there recently to see if I could find the old prison, and, if possible, get into my old cell again, I found that all was gone." The President answered promptly and wittily, as he is wont to make his responses: "Well, Mr. Garrison, the difference between 1830 and 1864 appears to be this, that in 1830 you could not get out, and in 1864 you could not get in." This symbolizes the revolution which has been brought about in Maryland. For if I had spoken till I was as hoarse as I am to-night against slavery and slaveholders in Baltimore, there would have been no indictment brought against me, and no prison opened to receive me.

But upon a broader, sublimer basis than that, the United States has at last rendered its verdict. The people, on the eighth of November last, recorded their purpose that slavery in our country should be forever abolished; and the Congress of the United States at its last session adopted, and nearly the requisite number of States have already voted in favor of, an amendment to the Constitution of the country, making it forever unlawful for any man to hold property in man. I thank God in view of these great changes. Abolitionism, what is it? Liberty. What is liberty? Abolitionism. What are they both? Politically, one is the Declaration of Independence; religiously, the other is the Golden Rule of our Savior.

I am here in Charleston, South Carolina. She is smitten to the dust. She has been brought down from her pride of place. The chalice was put to her lips, and she has drunk it to the dregs. I have never been her enemy, nor the enemy of the

South, and in the desire to save her from this great retribution, demanded in the name of the living God that every fetter should be broken, and the oppressed set free. I have not come here with reference to any flag but that of freedom. If your Union does not symbolize universal emancipation, it brings no Union for me. If your Constitution does not guarantee freedom for all, it is not a Constitution I can ascribe to If your flag is stained by the blood of a brother held in bondage, I repudiate it in the name of God. I came here to witness the unfurling of a flag under which every human being is to be recognized as entitled to his freedom. Therefore, with a clear conscience, without any compromise of principles, I accepted the invitation of the Government of the United States to be present and witness the ceremonies that have taken place to-day.

And now let me give the sentiment which has been, and ever will be, the governing passion of my soul: "Liberty for each, for all, and forever!"

MARGUERITE ÉLIE GAUDET

(1755–1794)

GAUDET'S speech against Robespierre in April 1793 forced issues between the Girondists and the Jacobins to such a point that the more moderate men among the Jacobins lost control and the Girondists were sent to his scaffold. Danton, in trying to restrain Gaudet, said: "Gaudet, you do not know how to sacrifice your opinion to your patriotism; you do not know how to pardon. You will be the victim of your own opinionativeness."

By his associates, Gaudet was called "the Æschines of the Gironde." With Vergniaud and Gensonné, he was one of its three most prominent spokesmen. He was born near Bordeaux in 1755, of a respectable middle-class family. His father, a wine-broker, was not wealthy, but by the bounty of a wealthy widow of Bordeaux, Gaudet received a collegiate education, and in 1781 was called to the bar of Bordeaux, where he became eminent. Entering active politics in 1790, he was affiliated with the Girondists throughout their struggle with the Jacobins, and in 1792 he was elected President of the Convention. He voted for the death of the King, but led the Girondists in attacking Robespierre, and on June 19th, 1794, went to the scaffold. His most representative speeches are given in the original, by Stephens, in his excellent collection.

REPLY TO ROBESPIERRE

(From His Speech of April 15th, 1793, Delivered in the National Convention)

Citizens:—

PERMIT me to make a single reflection. It comes from my soul. When we wished war, all France wished it with us. Robespierre alone, in his pride, did not wish it, because he never wishes what others desire. It was not a question of whether we wished it, or not, for it was a question of self-defense. The armies of the enemy were already united; they were marching on French territory; a treaty of coalition between two powers having no other object than the destruction of French liberty had been made, and the emigrants had united their forces

in its support. "Should we permit ourselves to be subjugated?" The De Lessarts of the time counseled you; the Durosoys counseled also. De Lessart said: "Temporize; the enemy are not yet ready." Hence I discover a new resemblance between Robespierre and our mutual friends. The war was desired; we must have it of necessity; it was forced on us at the risk of being subjugated; it was wanted by the nation as the nation had wanted the Republic. How does it happen then that now, because of reverses which they themselves prepared, they calumniate a measure to which I gave no active assistance, except in expressing an opinion in the Legislative Assembly — an opinion I wrote and did not pronounce because the Assembly adopted the measure with enthusiasm and without discussion. How comes it, then, that we are reproached with the declaration of war? Citizens, they reproach us after they have drawn reverses on us, as if, following their hopes never to be realized I trust, the Republic should perish and they should expose us for having wished the Republic. "But as for the war, Lafayette wished it in order to act as general! and we were in communication with him!" This is what they say of us! Let me here disclose a fact that Robespierre knew perfectly well, for it is attested by men Robespierre knew well,— whom he certainly will not suspect — if it can be that there is any one whom Robespierre is able not to suspect!

The source of the greatest part of the calumnies directed against us is our pretended communication with Lafayette. We have had I know not what sort of a story of a dinner with Lafayette, with consequence after consequence attributed to it, until we arrive finally at the charge of treason. This, citizens, is what it is. One of our colleagues in the National Assembly, who is now suffering for liberty — I will say nothing unfavorable of him, and I am far from suspecting him in any way; as I do not think he could be so suspected unless by a diabolical malevolence — hence I shall say simply — one of our colleagues in the Assembly, Lamarque, invited us, Ducos, Grangeneuve, and myself, to dine with him. Several other deputies dropped in. After the dinner we went into the apartment of a friend of our host, who lived on the same floor with him. When Lafayette was announced, then, as if by instinct, and without having communicated with each other,— for Lafayette had been judged by us long before, — Grangeneuve, Ducos, and I, without saluting any one, took our hats and canes and went away. This casual

meeting at which I had seen Lafayette was distorted by the Jacobins into a veritable "exchange of intelligence" with him, and as we disdained to reply to these yelpings, the reports acquired some consistence. Let us pass over a few instances and hasten to the proofs! You accuse us of having had communication with Lafayette. But where did you hide yourselves the day we saw him in the splendor of his power proceed from the palace of the Tuileries even to this bar, in the midst of acclamations which made themselves heard on this floor as if to intimidate the representatives of the people! I — I alone, ascended the tribune; I accused him, not furtively as you did, Robespierre, but publicly. He was there; I accused him. The motion which I made was put to a vote, in which the patriots did not have the victory. These are the facts! And yet, everlasting calumniator! with what have you opposed me if not with your habitual dreamings and insulting conjectures?

This is no doubt sufficient! I have put before you my political career. It is not in the dark nor in cellars you have seen me work for liberty. It would have been sufficiently easy to accuse me on the evidence, could they have obtained evidence; and their impotence in finding proofs after their long meditation on this great "treason" proves that none existed. Yet with what audacity did they say: "This is a chain with the first link in London and the last at Paris, and this link is golden"! Thus we have been accused of having been corrupted, of having sold ourselves to England, of having received gold from Pitt for the betrayal of our country! Well, where are, then, these treasures? Come! You, who would accuse me, come to my home! Come and see my wife and children eating the bread of poverty! Come and see the honorable mediocrity in which we live! Visit me in my department; see if my sparse acres have increased; see me arrive at the Assembly! Am I drawn by superb horses! Infamous calumniator! I am corrupted! Where are my treasures? Ask of those who have known me; ask if I was ever accessible to corruption? Find the weak whom I have oppressed! Where are the powerful whom I have not attacked? Where is the friend that I have ever betrayed? Ah! citizens, why cannot each one of us unroll his whole life! Then would we know whom to esteem, and whom to execrate; for those who have always been good fathers, good husbands, good friends, will always surely be good citizens. Public virtues are made up of private

virtues; and I feel how much we should be on guard against those who speak of "*Sans Culottes*" to the people, while they themselves live in insolent ostentation. I feel that we must be on guard against those men who vaunt themselves as patriots *par excellence*, and yet could not stand an investigation on one — not on a single one, of their actions in private life!

Perhaps I have devoted time enough to a rôle to which my conscience is unaccustomed. It is time to pass on to the part my duty obliges me to assume. "A chain," you say, "extending from London to Paris!" I believe it! "It is a chain of corruption!" I still believe it. And without it, would we have here, even here, these same people, applauding your movements, guiding themselves by your wishes? Yes, I understand it! — Pitt or some other criminal coalition works against us by intrigue. But supposing that some one were here to accomplish his ends, the destruction of the Republic and of liberty, what would such a one do? He would have commenced by depraving the public morality, that the citizens might be in his hands what they formerly were, what they still are in some sections in the hands of the priests: he would have brought the National Assembly into disrepute and contempt; he would have robbed it of public confidence; he would have sown in the Republic, and especially in the city where the Convention sat, the love of pillage, the love of murder! He would have made audible the voice of blood!

JAMES, CARDINAL GIBBONS

(1834–)

THE Parliament of Religions, held at Chicago during the World's Fair, was, without doubt, the first religious congress ever held which represented, even approximately, all the religions of the earth. The principal creeds of both hemispheres and every considerable denomination of Christians were represented in addresses delivered before the Parliament. Among those addresses, none was more remarkable than that of Cardinal Gibbons. Representing the strictest orthodoxy of the Roman Catholic Church, and asserting the claims of the Church with a comprehensiveness rarely, if ever, attained before, he conceded fellowship in good works to all other denominations of Christians, and closed by making such fellowship of actual beneficent achievement the test of true religion. "There is no way by which men can approach nearer to the gods than by contributing to the welfare of their fellow-men," he said with Cicero, as his final word.

He was born at Baltimore, July 23d, 1834, and ordained priest at St. Mary's Seminary in that city in 1861. In 1877 he became archbishop of Baltimore, and was made a Cardinal in 1886,—a result due, not only to the growing importance of the Church in America, but to his own great abilities. He has published 'The Faith of Our Fathers,' 'Our Christian Heritage,' and other works appropriate to his vocation as one of the leaders of the world's religious thought.

ADDRESS TO THE PARLIAMENT OF RELIGIONS

(Read Before the Parliament at Chicago, September 14th, 1893 — From a Contemporary Verbatim Report)

WE LIVE and move and have our being in the midst of a civilization which is the legitimate offspring of the Catholic religion. The blessings resulting from our Christian civilization are poured out so regularly and so abundantly on the intellectual, moral, and social world, like the sunlight and the air of heaven and the fruits of the earth, that they have ceased to excite any surprise except in those who visit lands where the

religion of Christ is little known. In order to realize adequately our favored situation, we should transport ourselves in spirit to ante-Christian times, and contrast the condition of the pagan world with our own.

Before the advent of Christ, the whole world, with the exception of the secluded Roman province of Palestine, was buried in idolatry. Every striking object in nature had its tutelary divinities. Men worshiped the sun and moon and stars of heaven. They worshiped their very passions. They worshiped everything except God, to whom alone divine homage is due. In the words of the Apostle of the Gentiles: "They changed the glory of the incorruptible God into the likeness of the corruptible man, and of birds and beasts and creeping things. They worshiped and served the creature rather than the Creator who is blessed forever."

But, at last, the great light for which the prophets had sighed and prayed, and toward which the pagan sages had stretched forth their hands with eager longing, arose and shone unto them "that sat in the darkness and the shadow of death." The truth concerning our Creator, which had hitherto been hidden in Judea, that there it might be sheltered from the world-wide idolatry, was now proclaimed, and in far greater clearness and fullness into the whole world. Jesus Christ taught all mankind to know one true God — a God existing from eternity to eternity, a God who created all things by his power, who governs all things by his wisdom, and whose superintending Providence watches over the affairs of nations as well as of men, "without whom not even a sparrow falls to the ground." He proclaimed a God infinitely holy, just, and merciful. This idea of the Deity so consonant to our rational conceptions was in striking contrast with the low and sensual notions which the pagan world had formed of its divinities.

The religion of Christ imparts to us not only a sublime conception of God, but also a rational idea of man and of his relations to his Creator. Before the coming of Christ, man was a riddle and a mystery to himself. He knew not whence he came, nor whither he was going. He was groping in the dark. All he knew for certain was that he was passing through a brief phase of existence. The past and the future were enveloped in a mist which the light of philosophy was unable to penetrate. Our Redeemer has dispelled the cloud and enlightened us

regarding our origin and destiny and the means of attaining it. He has rescued man from the frightful labyrinth of error in which Paganism had involved him.

The Gospel of Christ as propounded by the Catholic Church has brought, not only light to the intellect, but comfort also to the heart. It has given us "that peace of God which surpasseth all understanding," the peace which springs from the conscious possession of truth. It has taught us how to enjoy that triple peace which constitutes true happiness, as far as it is attainable in this life — peace with God by the observance of his commandments, peace with our neighbor by the exercise of charity and justice toward him, and peace with ourselves by repressing our inordinate appetites, and keeping our passions subject to the law of reason, and our reason illumined and controlled by the law of God.

All other religious systems prior to the advent of Christ were national, like Judaism, or State religions, like Paganism. The Catholic religion alone is world-wide and cosmopolitan, embracing all races and nations and peoples and tongues.

Christ alone, of all religious founders, had the courage to say to his Disciples: "'Go, teach all nations.' 'Preach the Gospel to every creature.' 'You shall be witness to me in Judea and Samaria, and even to the uttermost bounds of the earth.' Be not restrained in your mission by national or State lines. Let my Gospel be as free and universal as the air of heaven. 'The earth is the Lord's and the fullness thereof.' All mankind are the children of my father and my brethren. I have died for all, and embrace all in my charity. Let the whole human race be your audience, and the world be the theatre of your labors!"

It is this recognition of the fatherhood of God and the brotherhood of Christ that has inspired the Catholic Church in her mission of love and benevolence. This is the secret of her all-pervading charity. This idea has been her impelling motive in her work of the social regeneration of mankind. "I behold," she says, "in every human creature a child of God and a brother or a sister of Christ, and therefore I will protect helpless infancy and decrepit old age. I will feed the orphan and nurse the sick. I will strike the shackles from the feet of the slave, and will rescue degraded woman from the moral bondage and degradation to which her own frailty and the passions of the stronger sex had consigned her."

Montesquieu has well said that the religion of Christ, which was instituted to lead men to eternal life, has contributed more than any other institution to promote the temporal and social happiness of mankind. The object of this Parliament of Religions is to present to the thoughtful, earnest, and inquiring minds the respective claims of the various religions, with the view that they would "prove all things, and hold that which is good," by embracing that religion which above all others commends itself to their judgment and conscience. I am not engaged in this search for the truth, for, by the grace of God, I am conscious that I have found it, and instead of hiding this treasure in my own breast, I long to share it with others, especially as I am none the poorer in making others the richer.

But, for my part, were I occupied in this investigation, much as I would be drawn toward the Catholic Church by her admirable unity of faith which binds together in common worship two hundred and fifty million souls, much as I would be attracted toward her by her sublime moral code, by her world-wide catholicity and by that unbroken chain of apostolic succession which connects her indissolubly with apostolic times, I could be drawn still more forcibly toward her by that wonderful system of organized benevolence which she has established for the alleviation and comfort of suffering humanity.

Let us briefly review what the Catholic Church has done for the elevation and betterment of humanity:—

1. The Catholic Church has purified society in its very fountain, which is the marriage bond. She has invariably proclaimed the unity and sanctity and indissolubility of the marriage tie by saying with her founder that: "What God hath joined together, let no man put asunder." Wives and mothers never forget that the inviolability of the marriage contract is the palladium of your womanly dignity and of your Christian liberty. And if you are no longer the slaves of man and the toy of his caprice, like the wives of Asiatic countries, but the peers and partners of your husbands; if you are no longer tenants at will, like the wives of pagan Greece and Rome, but the mistresses of your households; if you are no longer confronted by uprising rivals, like Mohammedan and Mormon wives, but are the queens of domestic kingdoms, you are indebted for this priceless boon to the ancient Church, and particularly to the Roman pontiffs who inflexibly upheld the sacredness of the nuptial bond against the arbitrary

power of kings, the lust of nobles, and the lax and pernicious legislation of civil governments.

2. The Catholic religion has proclaimed the sanctity of human life as soon as the body is animated with the vital spark. Infanticide was a dark stain on pagan civilization. It was universal in Greece with the exception of Thebes. It was sanctified and even sometimes enjoined by such eminent Greeks as Plato and Aristotle, Solon, and Lycurgus. The destruction of infants was also very common among the Romans. Nor was there any legal check to this inhuman crime, except at rare intervals. The father had the power of life and death over his child. And as an evidence that human nature does not improve with time and is everywhere the same, unless it is permeated with the leaven of Christianity, the wanton sacrifice of infant life is probably as general to-day in China and other heathen countries as it was in ancient Greece and Rome. The Catholic Church has sternly set her face against this exposure and murder of innocent babes. She had denounced it as a crime more revolting than that of Herod, because committed against one's own flesh and blood. She has condemned with equal energy the atrocious doctrine of Malthus, who suggested unnatural methods for diminishing the population of the human family. Were I not restrained by the fear of offending modesty and of imparting knowledge where "ignorance is bliss," I would dwell more at length on the social plague of antenatal infanticide, which is insidiously and systematically spreading among us, in defiance of civil penalties and of the Divine law which says: "Thou shalt not kill."

3. There is no phase of human misery for which the Church does not provide some remedy or alleviation. She has established infant asylums for the shelter of helpless babes who have been cruelly abandoned by their own parents, or bereft of them in the mysterious dispensations of Providence before they could know and feel a mother's love. These little waifs, like the infant Moses drifting in the turbid Nile, are rescued from an untimely death and are tenderly raised by the daughters of the Great King, those consecrated virgins who become nursing mothers to them. And I have known more than one such motherless babe, who, like Israel's law-giver in after years, became a leader among his people.

4. As the Church provides homes for those yet on the threshold of life, so, too, does she secure retreats for those on the

threshold of death. She has asylums in which aged men and women find at one and the same time a refuge in their old age from the storms of life and a novitiate to prepare them for eternity. Thus, from the cradle to the grave, she is a nursing mother. She rocks her children in the cradle of infancy, and she soothes them to rest on the couch of death.

Louis XIV. erected in Paris the famous Hotel des Invalides for the veterans of France who had fought in the service of their country. And so has the Catholic religion provided for those who have been disabled in the battle of life, a home in which they are tenderly nursed in their declining years by devoted Sisters.

The Little Sisters of the Poor, whose congregation was founded in 1840, have now charge over two hundred and fifty establishments in different parts of the globe, the aged inmates of those houses numbering thirty thousand, upward of seventy thousand having died under their care up to 1889. To these asylums are welcomed, not only the members of the Catholic religion, but those also of every form of Christian faith, and even those without any faith at all. The Sisters make no distinction of person, or nationality, or color, or creed,—for true charity embraces all. The only question proposed by the Sisters to the applicant for shelter is this: Are you oppressed by age and penury? If so, come to us and we will provide for you.

5. She has orphan asylums where children of both sexes are reared and taught to become useful and worthy members of society.

6. Hospitals were unknown to the pagan world before the coming of Christ. The copious vocabularies of Greece and Rome had no word even to express the term. The Catholic Church has hospitals for the treatment and cure of every form of disease. She sends her daughters of charity and mercy to the battlefield and to the plague-stricken city. During the Crimean War, I remember to have read of a Sister who was struck dead by a ball while she was in the act of stooping down and bandaging the wound of a fallen soldier. Much praise was then deservedly bestowed on Florence Nightingale for her devotion to the sick and wounded soldiers. Her name resounded in both hemispheres. But in every Sister you have a Florence Nightingale, with this difference — that, like ministering angels, they move without noise along the path of duty, and like the angel

Raphael, who concealed his name from Tobias, the Sister hides her name from the world.

Several years ago I accompanied to New Orleans eight Sisters of Charity who were sent from Baltimore to re-enforce the ranks of their heroic companions, or to supply the places of their devoted associates who had fallen at the post of duty in the fever-stricken cities of the South. Their departure for the scene of their labors was neither announced by the press nor heralded by public applause. They went calmly into the jaws of death, not bent on deeds of destruction, like the famous Six Hundred, but on deeds of mercy. They had no Tennyson to sound their praises. Their only ambition was,—and how lofty is that ambition,—that the recording angel might be their biographer, that their names might be inscribed in the Book of Life, and that they might receive the recompense from him who has said: "I was sick and ye visited me; for as often as ye did it to one of the least of my brethren, ye did it to me." Within a few months after their arrival, six of the eight Sisters died victims to the epidemic.

These are a few of the many instances of heroic charity that have fallen under my own observation. Here are examples of sublime heroism not culled from the musty pages of ancient martyrologies, or books of chivalry, but happening in our day and under our own eyes. Here is a heroism not aroused by the emulation of brave comrades on the battlefield, or by the clash of arms, or the strains of martial hymns, or by the love of earthly fame, but inspired only by a sense of Christian duty and by the love of God and her fellow-beings.

7. The Catholic religion labors, not only to assuage the physical distempers of humanity, but also to reclaim the victims of moral disease. The redemption of fallen women from a life of infamy was never included in the scope of heathen philanthropy; and man's unregenerate nature is the same now as before the birth of Christ. He worships woman as long as she has charms to fascinate, but she is spurned and trampled upon as soon as she has ceased to please. It was reserved for him who knew no sin to throw the mantle of protection over sinning woman. There is no page in the Gospel more touching than that which records our Savior's merciful judgment on the adulterous woman. The Scribes and Pharisees, who had, perhaps, participated in her guilt, asked our Lord to pronounce sentence of death upon her, in accordance with the Mosaic law. "Hath no one condemned

thee?" asked our Savior. "No one, Lord," she answered. "Then," said he, "neither will I condemn thee. Go, sin no more." Inspired by this divine example, the Catholic Church shelters erring females in homes not inappropriately called Magdalene Asylums and Houses of the Good Shepherd. Not to speak of other institutions established for the moral reformation of women, the congregation of the Good Shepherd at Angers, founded in 1836, has charge to-day of one hundred and fifty houses, in which upward of four thousand Sisters devote themselves to the care of over twenty thousand females, who had yielded to temptation or were rescued from impending danger.

8. The Christian religion has been the unvarying friend and advocate of the bondman. Before the dawn of Christianity, slavery was universal in civilized, as well as in barbarous nations. The Apostles were everywhere confronted by the children of oppression. Their first task was to mitigate the horrors and alleviate the miseries of human bondage. They cheered the slave by holding up to him the example of Christ who voluntarily became a slave that we might enjoy the glorious liberty of children of God. The bondman had an equal participation with his master in the sacraments of the Church, and in the priceless consolation which religion affords. Slave-owners were admonished to be kind and humane to their slaves, by being reminded with apostolic freedom that they and their servants had the same master in heaven, who had no respect of persons. The ministers of the Catholic religion down the ages sought to lighten the burden and improve the condition of the slave, as far as social prejudices would permit, till, at length, the chains fell from their feet. Human slavery has, at last, thank God, melted away before the noonday sun of the Gospel. No Christian country contains to-day a solitary slave. To paraphrase the words of a distinguished Irish jurist — as soon as a bondman puts his foot in a Christian land, he stands redeemed, regenerated, and disenthralled, on the sacred soil of Christendom.

9. The Savior of mankind never conferred a greater temporal boon on mankind than by ennobling and sanctifying manual labor, and by rescuing it from the stigma of degradation which had been branded upon it. Before Christ appeared among men, manual and even mechanical work was regarded as servile and degrading to the freeman of pagan Rome, and was consequently relegated to slaves. Christ is ushered into the world, not

amid the pomp and splendor of imperial majesty, but amid the environments of a humble child of toil. He is the reputed son of an artisan, and his early manhood is spent in a mechanic's shop. "Is not this the carpenter, the son of Mary?" The primeval curse attached to labor is obliterated by the toilsome life of Jesus Christ. Ever since he pursued his trade as a carpenter, he has lightened the mechanic's tools, and shed a halo around the workshop. If the profession of a general, a jurist, and a statesman is adorned by the example of a Washington, a Taney, and a Burke, how much more is the character of a workman ennobled by the example of Christ. What De Tocqueville said of the United States sixty years ago is true to-day — that with us every honest labor is laudable, thanks to the example and teaching of Christ.

To sum up: The Catholic Church has taught man the knowledge of God and of himself; she has brought comfort to his heart by instructing him to bear the ills of life with Christian philosophy; she has sanctified the marriage bond; she has proclaimed the sanctity and inviolability of human life from the moment that the body is animated by the spark of life, till it is extinguished; she has founded asylums for the training of children of both sexes and for the support of the aged poor; she has established hospitals for the sick and homes for the redemption of fallen women; she has exerted her influence toward the mitigation and abolition of human slavery; she has been the unwavering friend of the sons of toil. These are some of the blessings which the Catholic Church has conferred on society.

I will not deny — on the contrary, I am happy to avow — that the various Christian bodies outside the Catholic Church have been, and are to-day, zealous promoters of most of these works of Christian benevolence which I have enumerated. Not to speak of the innumerable humanitarian houses established by our non-Catholic brethren throughout the land, I bear cheerful testimony to the philanthropic institutions founded by Wilson, by Shepherd, by Johns Hopkins, Enoch Pratt, and George Peabody, in the city of Baltimore. But will not our separated brethren have the candor to acknowledge that we had first possession of the field, that these beneficent movements have been inaugurated by us, and that the other Christian communities in their noble efforts for the moral and social regeneration of mankind, have

in no small measure been stimulated by the example and emulation of the ancient Church?

Let us do all we can in our day and generation in the cause of humanity. Every man has a mission from God to help his fellow-beings. Though we differ in faith, thank God there is one platform on which we stand united, and that is the platform of charity and benevolence. We cannot, indeed, like our Divine Master, give sight to the blind, hearing to the deaf, speech to the dumb, and strength to the paralyzed limb, but we can work miracles of grace and mercy by relieving the distress of our suffering brethren. And never do we approach nearer to our Heavenly Father than when we alleviate the sorrows of others. Never do we perform an act more Godlike than when we bring sunshine to hearts that are dark and desolate. Never are we more like to God than when we cause the flowers of joy and of gladness to bloom in souls that were dry and barren before. "Religion," says the Apostle, "pure and undefiled before God and the Father, is this: To visit the fatherless and widow in their tribulation, and to keep oneself unspotted from this work." Or, to borrow the words of pagan Cicero, "*Homines ad Deos nulla re propius accedunt quam salutem hominibus dando.*" (There is no way by which men can approach nearer to the gods than by contributing to the welfare of their fellow-creatures.)

JOSHUA REED GIDDINGS

(1795–1864)

OHIO, and especially that part of the State known as the Western Reserve, developed a radical opposition to slavery before any other Western State. Like Indiana and Illinois, Ohio was first occupied largely by settlers from the Southern States, who, though slavery in the entire territory ceded by Virginia was prohibited, sympathized with the Southern States when the issue became sectional. Between their descendants and the descendants of settlers from New England, there was finally a struggle for political control in the Central West, which, even as late as the campaign of 1880, was unmistakably a decisive factor in presidential elections.

In Ohio, Joshua Reed Giddings was the first leader of marked force of character who made "the Puritan idea" the motive of his public career. He was born in Pennsylvania, October 6th, 1795. Removing to Ohio, and beginning the practice of law, he was elected to Congress in 1838. Acting generally with the Whigs, he had no sympathy with that party's spirit of compromise. In 1842, when the House censured him for what it considered his dangerous position against slavery, he resigned his seat, appealed to his constituents, and was re-elected. From that period until his retirement from Congress in 1859, he represented the determination of an always-increasing element to abolish slavery at any cost. In 1861 he was sent as Consul-General to British North America, and, while still holding that position, he died at Montreal, May 27th, 1864.

SLAVERY AND THE ANNEXATION OF CUBA

(From a Speech Delivered in the House of Representatives, in the Committee of the Whole, December 14th, 1852, on the Motion to Refer the Annual Message of the President to the Several Committees)

Mr. Chairman:—

I HAVE risen with no intention to participate in this discussion of the tariff. I abstain from it for the reason that it has been discussed for more than thirty years, by the ablest men in the nation, and no new theory or thoughts are likely to be elicited at this time. I abstain from it for the reasons that there

is now no party which avows the protective policy. I also abstain from its discussion for the reason that the ablest advocates of protection have, since the late presidential election, declared that policy to be dead — that it now sleeps with its great advocate, Henry Clay. . . .

I observed that the honorable gentleman from Pennsylvania [Mr. Jones] took occasion, while discussing the tariff, to say that the Democracy of his State was in favor of the Fugitive Law; but it is somewhat remarkable that the President, in his message, makes no mention of that law. It is said that during the last three months more fugitives have found their way to Canada than ever previously emigrated to that province in the same space of time. They went singly, in pairs, in companies of five, of ten; and sometimes twenty or more traveled together. Scarcely a slave-catcher interposed to prevent this tide of emigration; and those who made attempts to stop them were unsuccessful. The emigrants were armed and ready for the combat. They laughed at your Fugitive Law, and ridiculed those who enacted and who advocate its continuance. As the President is about to retire from office, he witnesses the contempt into which this, his favorite measure, has fallen, yet he fails in his last annual message to notice these facts, nor does he make even an effort to modify the popular odium which has pronounced those compromise measures infamous. He sees the country rapidly separating into two parties — the supporters of slavery and the advocates of liberty. He must be conscious that these parties will soon swallow up all other organizations. The Free Democracy and the Slave Democracy will soon characterize our political distinctions, and the democratic principle of man's natural right to liberty will be vindicated and sustained; yet he remains silent on the subject.

And here I wish to say to the friends of liberty that our cause is advancing rapidly, and with firmer and surer pace than at any former period. The old political organizations have lost their moral power. The election of the great Western statesman, Thomas H. Benton, in opposition to both the Whig and Democratic parties, shows the tendency of men to think and vote agreeably to the dictates of their own judgment, and not according to caucus dictation, or party rule. He, sir, was unconnected with all parties. He was the exponent of his own views; the people approved his sentiments, and, setting party dictation at defiance, they elected him. Nor was the election of the distin-

guished philanthropist from New York, Gerritt Smith, less a triumph of independent political thought and action. These distinguished gentlemen were connected with no political parties, but each was elected upon his own merits.

I have not time to speak of the election to this body of the free Democratic members, and of Whig and Democratic members elected by aid of the Free Democracy; nor are these elections, triumphant as they are, even an indication of the extent of our progress. Our principles are cherished by hundreds of thousands of the other parties, who have heretofore been unable to separate themselves from their long-cherished political organizations, but who now say they have acted with them for the last time.

Again, sir, we have enlisted the literati of our country on the side of truth, liberty, and justice. To my fair countrywomen I would say that a lady with her pen has done more for the cause of freedom, during the last year, than any savant, statesman, or politician of our land. That inimitable work, 'Uncle Tom's Cabin,' is now carrying truth to the minds of millions, who, to this time, have been deaf to the cries of the downtrodden. It is arousing the sensibilities of this country and of Europe. It goes where no other antislavery work ever found its way, and quietly carries conviction to the hearts of its readers. It has been dramatized, and, both in this country and in Europe, the play-going public listen with intense interest to the wrongs, the revolting crimes of slavery. Thus, the theatre, that "school of vice," has been subsidized to the promulgation of truth, and the hearts of thousands have been reached, who were approachable in no other way.

The clergy of the North are awakening to duty, to the calls of humanity. No longer are we called to listen to "lower law" sermons, nor are the feelings of our Christian communities shocked by reading discourses from doctors of divinity, intended to sanctify and encourage the most transcendent crimes which ever disgraced mankind. Churches and ecclesiastical bodies are beginning to move in behalf of truth, of Christian principles. They are purifying themselves from those who deal in God's image; they are withdrawing church fellowship from those pirates who deserve the gallows and halter, rather than a seat at the communion table of Christian churches.

I have glanced at these facts in answer to those who have spoken before me, and for the encouragement of our friends, in

order to assure them that while Whigs and Democrats in this hall are discussing the propriety of protecting "cotton cloth" and "cut nails," the advocates of freedom have not forgotten the duty of protecting the rights of our common humanity.

But, Mr. Chairman, my principal object in rising was to call the attention of this body and of the country to the first of the series of resolutions presented by the honorable chairman of the Committee on Ways and Means [Mr. Houston]. It refers to our "foreign relations." The position we hold towards the Governments of Spain, Great Britain, and France, is unusually important at this time. The recent publication of the correspondence between our Executive and the Spanish Ministry has excited a deep and pervading interest throughout the country.

And, sir, I here take pleasure in vindicating the President against the assaults made upon him by some presses of the South for publishing this correspondence. With its publication he had no concern whatever. We, sir, by resolution, called for the correspondence. As the representatives of the sovereign people, we had a right to it. He had no right to withhold it. As he was bound by his oath and by the Constitution, he sent it to us. We ordered it printed. The people had a right to see and understand what their servants were doing on this, as well as on all other subjects.

This correspondence is highly important. It shows to the country and to the civilized world that for thirty years the Executive has exerted our national influence to maintain slavery in Cuba, in order that the institution may be rendered more secure in the United States. This policy stands out in bold relief; it pervades the whole correspondence, and was also incorporated into the instructions of our commissioners to the Congress of Panama, although those instructions are not embraced in the communication now before us.

Both Whig and Democratic administrations have adopted this policy; and although I have but little time to read extracts from this correspondence, I will give one from the letter of Mr. Webster, Secretary of State, marked "Private and Confidential," to our Consul at Havana, dated January 14th, 1843, in which the author refers to reported intentions of British Abolitionists and the British Ministry to aid in the abolition of slavery and in the establishment of an independent government in Cuba. He says: "If this scheme should succeed, the influence of Britain in this

quarter, it is remarked, will be unlimited. With six hundred thousand blacks in Cuba, and eight hundred thousand in her West India Islands, she will, it is said, strike a blow at the existence of slavery in the United States." These, sir, are the words of a man who opposed all expression, by this Government, of sympathy with oppressed Hungary; who was so strongly opposed to all intervention with the affairs of other governments in favor of liberty.

We, sir, hold our own institutions by the right of revolution, which he so severely condemned. He appears to have been shocked at the idea that liberty should be enjoyed in Cuba, and avowed himself willing to prostitute the naval and military power of the United States to uphold a system of oppression in that island which consigns to premature graves one-tenth part of its whole slave population annually — a system by which eighty thousand human victims are said to be sacrificed every year to Spanish barbarity and Spanish cupidity. Sir, at this moment the Senate are engaged in eulogizing the statesman who has himself erected this monument to perpetuate his own disgrace. They, sir, are endeavoring to falsify the truth of history; to cover up those stains upon his character which no time can erase, and no effort of friends can purify. They can never separate his memory from the great errors of his life. Sir, it is right and proper that the evil deeds of public men should be remembered, that posterity may avoid their crimes, and duly estimate their moral and political worth. Yet, sir, we were told during the recent canvass that unless we voted for the Whig candidate, if we permitted the Democratic candidate to be elected, Cuba would be annexed and slavery extended and strengthened in the United States. Plausibility was given to this argument by a certain distinguished Senator from the West, who traveled somewhat extensively, making speeches in favor of Cuban annexation and filibustering expeditions to that island. I desire to say, very distinctly, that in my opinion that gentleman "ran before he was sent." He appeared anxious to obtain Southern favor by making himself the advocate of what he deemed Southern measures. I think if he had waited a few months, and consulted the sober reflecting statesmen of the South, they would have told him to remain quiet. But he hastened to acquire Southern favor, and, like some who have gone before him, he will find hereafter that he has run his bark upon the same rock on which so many

Northern statesmen have made shipwreck of their political hopes. Other Democratic candidates of the North have pursued the same policy, and some Whigs have striven to keep pace in this race of servility. Among others, I notice a Whig paper in New York, of somewhat extensive circulation, avowing the policy of annexing Cuba. Others have taunted the Free Democracy with having lent our influence to that policy, by refusing to vote for the Whig candidate.

Now, sir, I would say to them that the Free Democracy is not altogether composed of boys and unfledged politicians; nor is it guided by men destitute of experience and forethought. We, sir, look not to the other parties for guidance; we do our own thinking, and our own voting. We have our own views upon this question, as well as on all others. . . .

Mr. Chairman, I speak my own opinions. No other man is responsible for what I say. I have given some attention to this subject, and have satisfied my own mind that while the advocates of liberty shall continue their efforts for freedom, their struggles for justice to all men, Cuba will not be annexed. I congratulate the friends of liberty and of humanity upon the important position they have attained. The very efforts which our opponents said would secure the annexation of Cuba have, under the circumstances to which I have referred, prevented the perpetration of that outrage. It is the bold, unflinching agitation and maintenance of truth, by political, moral, and religious efforts, that has saved us from that degradation. Had we, sir, united with the other political parties at the late election; had we then disbanded, there would have been danger of the annexation of Cuba, even at the price of war and bloodshed. But we have attained the position which enables us by our efforts to command the respect of our opponents; and, more especially, has our course commanded the respect of ourselves — of good men — of the lovers of liberty in this country and in Europe, and, as I humbly trust, the approval of God himself. Slavery can only flourish, it can only exist, in the quiet repose of peace. It cannot continue amid the storm of war or the rage of moral elements. All history shows us that slavery cannot exist amidst the agitation of truth. Justice is the great moral antagonist of oppression. They cannot exist together. I indulge the hope that slavery has reached its limits, that it cannot pass beyond its present boundaries, if we remain true to our purpose and our principles. Its

proud waves are already stayed. Cuba must remain attached to the Crown of Spain. Yet I would say to British and to French statesmen that if they wish to obtain it for the purpose of establishing liberty there, of giving freedom to its down-trodden people, let them satisfy Spain and take the island. We shall submit for the very obvious reason that while we hold our own slave population in subjection, we cannot enter into a war with either of those powers in order to maintain that institution in Cuba. We, sir, would rather see Cuba free, under British or French rule, than see our fellow-men oppressed, degraded, and ruthlessly murdered, under either Spanish or American authority. But if it remain subject to Spanish laws, its final redemption is not so far distant as we have been accustomed to think. The employment of Chinese laborers in that island has proved far more profitable than of slaves. Indeed, it is said the expense of carrying on their plantations by the labor of these free people from China is less than half that of slave labor. At this time there are said to be six thousand Chinamen on their passage to Cuba, for the purpose of engaging in the cultivation of the soil. The laws of Cuba are also more favorable to emancipation than those of our slave States. These circumstances, under the guidance of Providence, amid the lights and intelligence of the present age, are slowly but surely working out the redemption of Cuba, even under Spanish rule. Yet its annexation to this Union would, in my opinion, hasten the overthrow of slavery, both there and in our slave States.

The world is moving in favor of liberty. Redemption to the African race upon this continent must soon come. I trust it will come in peace; but I will add in the language of our departed coadjutor, John Quincy Adams: "Let it come; if it must come in blood, yet I say, Let it come."

WILLIAM EWART GLADSTONE

(1809–1898)

GLADSTONE made more speeches and better ones on a greater variety of subjects than any other Englishman of his generation. In politics, in literature, in everything that concerned the world's forward movement, his intellectual sympathies were universal, or as nearly so as it is possible for any man's to be. If men less intellectual, less self-contained than he, have learned a road to power over other minds shorter than the purely intellectual by so living —

«*Ut ridentibus arrident, ita flentibus adflent* —»

Gladstone certainly had everything as an orator which the broadest culture of the scholar and the steadiest tension of the thinker can give any man. He does not belong to the same class with Burke, Curran, or Grattan; he was not by nature great as an orator, and he does not always show the habit of radical thought which gave the great Whigs of the eighteenth century their tremendous moral force, but among English orators, Burke alone surpasses him in intellect, and Burke himself did not surpass him in facility of expression. In such speeches as that accepting the freedom of the city of Glasgow in 1865, Mr. Gladstone surpasses himself as some may hold, but if, under the inspiration of great ideas, he shows an enthusiasm and freedom, which do not characterize his political speeches, it must be remembered that the tone of English parliamentary speeches is almost conversational; that, by force of an authoritative habit, only broken down in great emergencies, the discussion of English public affairs tends to the prosaic.

Born at Liverpool, December 29th, 1809, Mr. Gladstone received the most careful and thorough education the English system can give. He graduated with double honors (in classics and mathematics) at Oxford, and a year later (1832) entered public life under what he must afterwards have considered inauspicious conditions. His father, Sir John Gladstone, Bart., a prominent Liverpool merchant, of aristocratic Scotch descent, was a Tory, and in the first election after the passage of the Reform Bill, the young Double-Honor man from Oxford was sent to Parliament to represent a «pocket borough» controlled by the Duke of Newcastle. Like Fox

in this particular, he was like him also in following a natural bent towards the Whigs or «Liberals,» as they were now called.

After holding Cabinet positions as a Conservative, he became Chancellor of the Exchequer under the Coalition Ministry of 1852, and, through the action and reaction of the opposing forces of English politics, developed into the leading Liberal of his day, recognized at his retirement in 1894 as the greatest statesman of Europe. His influence as a Liberal leader during the last ten years of his political life had been so overwhelming that his death, May 19th, 1898, left his party unable or unwilling to give his successor the confidence it had given him, and the result has been a strong political reaction against the Liberalism which, as he understood it, meant enlarged liberty for the individual, better-defined sovereignty for the people, and freer, more peaceful co-operation among all nations.

THE FUNDAMENTAL ERROR OF ENGLISH COLONIAL AGGRANDIZEMENT

(Delivered at the City Hall, Glasgow, November 1st, 1865, on the Presentation of the Freedom of that City to Mr. Gladstone)

[This speech is considered the best example of Mr. Gladstone's eloquence, and it would certainly be hard, if not impossible, to find another speech delivered by him, or by any other man in England since the death of Brougham, which has in it so much of the moral force through which Pitt and Burke gave direction to the policies of England from their own day to the time of Gladstone's retirement and the reaction which followed the failure of his plan of Home Rule. Those who agree with Mr. Gladstone will find in this speech most of that which made him seem admirable to men of like sympathies throughout the world, while his political opponents will find it a summary of the governing ideas which their ablest statesmanship has been directed to check or to neutralize. The complete text here given is from the 'Oratorical Year Book'—London.]

I NEED hardly tell you that it is with the liveliest and deepest feelings of satisfaction that I accept from your hands, my lord, the gift you have been pleased to present to me, to be preserved, I hope, for many long years, among the records and the treasures of my family. I have no doubt—indeed, I feel too well assured—that a critical judgment might find ample scope for remark upon the too flattering terms in which you have been pleased to advert to my public conduct, but still I presume to say that such acknowledgments as you are pleased to make on occasions like the present, of the feeble and humble efforts of any

individual to render services to his country, are the choicest rewards that we can receive for the past, and are the greatest encouragements and incentives, the greatest and most powerful aids for the future. But such occasions lead us to review the position in which we stand, and to reflect upon that which has been and that which is to be; and perhaps it might at first sight appear strange if upon an occasion so joyous, when I have received at your hands an honor so deeply valued, I confess to you that a powerful, perhaps a predominant, feeling in my mind at the present juncture is a feeling of solitariness in the struggles and in the career of public life. The Lord Provost has alluded briefly, but touchingly and justly alluded, to the loss we have just sustained, and has intimated to you that the covenant which brings me before you was a covenant concluded before that loss had taken place; but, indeed, the retrospect of the last five years is in this regard a touching and melancholy retrospect. Sad, numerous, and wide have been the blanks which death has made in the ranks of our public men, and not alone of our official public men, for many in this country are the public men, many are the statesmen who render true and vital service to the land, but who have never touched a public salary. Within these five years we have lost him whom I must name as the most illustrious in his position and his office,—the beloved husband of our Queen, revered, admired, loved by all classes of the community, and one whose departure from this mortal home has inflicted on the Sovereign so dear to our hearts a loss that never on this side the grave can be repaired. I pass from the Prince Consort to another name, widely, indeed, separated from him in social rank, but yet a name which is great at this moment in the esteem of the country, and which will be forever great in its annals,—I mean the name of Richard Cobden,—so simple, so true, so brave, and so far-seeing a man, who knew how to associate himself at their very root with the deep interests of the community in which he lived, and to whom it was given to achieve, through the moral force of reason and persuasion, numerous triumphs that have made his name immortal But if I look to the ranks of official life, perhaps it may cause even surprise, though we know that our losses have been heavy, when I say that my own recollection supplies me,—and there may be more which that recollection does not suggest,—that my own recollection supplies me with the names of no less than seventeen persons who have died

within the last five years, and whose duty and privilege it was to advise the Sovereign as members of the Government of this country. As to the last of these men, the distinguished man whose loss at this moment the whole community in every class and in every corner of the land deeply and sincerely deplores, we have this consolation — that it had pleased the Almighty to afford him strength and courage which carried him to a ripe old age in the active service of his country. It has not been so with all. It has been my lot to follow to the grave several of those distinguished men who have been called away from the scene of their honorable labors — not, indeed, before they had acquired the esteem and confidence of the country, but still at a period when the minds and expectations of their fellow-countrymen were fondly fixed upon the thought of what they might yet achieve for the public good. Two of your own countrymen, Lord Elgin and Lord Dalhousie, Lord Canning, Lord Herbert, Sir George Cornewall Lewis, and the Duke of Newcastle, by some singular dispensation of Providence, have been swept away in the full maturity of their faculties, and in the early stages of middle life — a body of men strong enough of themselves in all the gifts of wisdom and of knowledge, of experience and of eloquence, to have equipped a cabinet for the service of the country.

And, therefore, my lord, when I look back upon the years that have passed, though they have been joyful years in many respects, because they have been years in which the Parliament of this country has earned fresh and numerous titles to the augmented confidence of its citizens, they are also mournful in that I seem to see the long procession of the figures of the dead, and I feel that those who are left behind are in one sense solitary upon the stage of public life. But, my Lord Provost, it is characteristic of this country that her people have been formed for many generations in those habits of thought and action which belong to regulated freedom, and one happy and blessed result of that description of public education is, that the country ceases to be dependent for its welfare upon this man or upon that. There never has yet been in the history of the world a nation truly free — I mean a nation that is free, not only in laws and institutions, but also in thoughts and acts; there has never been a nation in this sense possessed of freedom, and which has likewise had large and spreading and valuable interests, which has found a want of men to defend them. Nor, my

Lord Provost, I am thankful to say, have we yet been reduced to this extremity, and I trust that I am not going beyond the liberty of an occasion such as this when, standing before you at a moment of such public interest, I venture to express my confidence personally in the state of the Government and the country. Her Majesty, well aware of the heavy loss which we have sustained, and wisely exercising her high prerogative, has chosen from among the statemen of the country Earl Russell to fill the place of Prime Minister. I know well the inclination of those whom I am addressing, and also of the whole community, to trust more to the evidence of facts than to that of words, which may be idle and delusive, and I presume to say before you that the name of Lord Russell is in itself a pledge and a promise to a people. A man who fought for British liberty, for our institutions, and for our laws, but with a view to the strengthening of those laws — who has fought on a hundred fields for their improvement, is not likely now, when in his seventy-third honorable year, to unlearn the lesson of his whole life, to change the direction of his career, and to forfeit the inheritance which he has secured in the hearts and memories of his countrymen. Therefore, my Lord Provost, I venture to think that the country has reasonable assurance in the name of the person who has for the second time assumed the responsibility of guiding the councils of a Crown, with the aid of many experienced and distinguished persons whom I am happy to call my colleagues,— I therefore hope that the country has reasonable assurance that the same wise and enlightened spirit which has for the last thirty or thirty-five years distinguished in the main the policy of British legislation, and the conduct of the Executive Government, will still continue to be exhibited by those who will have the responsibility and direction of public affairs. My Lord Provost, if we look to the acts of the period through which we have been passing, they are, indeed, too numerous to allow of reference in detail. The acts of legislation and of government in which my share has been, if earnest, yet secondary — those acts of legislation and government have embraced almost every subject that can be of interest to a free and civilized community. In the period which our own recollection comprehends, we have seen the popular franchise wisely and temperately, yet boldly, enlarged; we have seen the education of the people immensely extended, with, at the same time, all due regard to the sanctity

and integrity of religion on the one hand, and to the feelings of private conscience on the other; we have seen religious disabilities, for the most part, swept away; we have seen questions of social policy, deeply interesting and deeply momentous, asserting from year to year greater and still greater importance; we have seen, as I have said, the principle on which and the method by which taxes are taken from the people largely reconsidered and revised; and we have seen all these changes made with a view to the promotion of one great end — the freedom of intercourse, not only among the members of our own community, but also among the various members of the great human family, the nations of the world. Well, my Lord Provost, in my prime I have taken part in the struggles of political parties, and it may be my lot to continue to bear a share in them. I do not desire to shrink from them, and I will not disavow nor undervalue the use of party combinations. It is by means of party combinations as a general rule, and by those means alone, that the matured convictions of experience can find the final and distinctive expression in the form of laws and institutions; but yet party is only an instrument; it is an instrument for ends higher than itself, and those ends are the strength, the welfare, and the prosperity of our country. We may now presume to say that it is the peculiar felicity of our time that the good of each to the country is not now to be regarded, as it was in old times, as something distinct from the good of the rest of mankind; but, on the contrary, when we labor for the advancement of our countrymen we labor likewise for the advantage of the whole world. Therefore, my Lord Provost, when I look back on the numberless changes in these various chapters of legislative and constitutional improvement, I confess that the most fertile result of all, — although I have no desire to disparage the others, for they are intimately woven together, as it were, with a silver cord, — the most fertile result, probably, is that which I may describe in the well-known familiar and beloved words, the promotion of free trade.

It is quite unnecessary before this audience — I may venture to say it is unnecessary before any audience of my countrymen — to dwell at this period of our experience upon the material benefits that have resulted from free trade, upon the enormous augmentation of national power which it has produced, or even upon the increased concord which it has tended so strongly to

promote throughout the various sections of the community. But it is the characteristic of the system which we so denominate, that while it comes forward with homely pretensions, and professes, in the first instance, to address itself mainly to questions of material and financial interests, yet, in point of fact, it is fraught and charged throughout with immense masses of moral, social, and political results. I will not now speak to the very large measure of those results which are domestic, but I would ask you to consider with me for a few moments the effect of the system of unrestricted intercourse upon the happiness of the human family at large. Now, as far as that happiness is connected with the movements of nations, war has been its great implement. And what have been the great causes of wars? They do not come upon the world by an inevitable necessity, or through a providential visitation. They are not to be compared with pestilences and famines, even; in that respect, though, we have learned, and justly learned, that much of what we have been accustomed to call providential visitation is owing to our neglect of the wise and prudent means which man ought to find in the just exercise of his faculties for the avoidance of calamity; but with respect to wars, they are the direct and universal consequence of the unrestricted, too commonly of the unbridled, passions and lusts of men. If we go back to a very early period of society, we find a state of things in which, as between one individual and another, no law obtained — a state of things in which the first idea almost of those who desired to better their condition was simply to better it by the abstraction of their neighbor's property. In the early periods of society, piracy and unrestrained freebooting among individuals were what wars, for the most part, have been in the more advanced periods of human history. Why, what is the case with a war? It is a case in which both cannot be right, but in which both may be wrong. I believe if the impartiality of the historian survey a very large proportion of the wars that have desolated the world — some, indeed, there may be, and undoubtedly there have been, in which the arm of valor has been raised simply for the cause of freedom and justice — that the most of them will be found to belong to that less satisfactory category in which folly, passion, greediness, on both sides, have led to effects which afterwards, when too late, have been so much deplored. We have had in the history of the world religious wars. The period of these wars I trust

we have now outlived. I am not at all sure that there was not quite as much to be said for them as for a great many other wars which have been recorded in the page of history. The same folly which led to the one led, in another form, to the other. We have had dynastic wars, wars of succession, in which, for long periods of years, the heads of rival families have fought over the bleeding persons of their people, to determine who should govern them. I trust we have overlived the period of wars of that class. Another class of wars, of a more dangerous and yet a more extensive description, have been territorial wars. No doubt it is a very natural, though it is a very dangerous and a very culpable sentiment, which leads nations to desire their neighbors' property, and I am sorry to think that we have had examples — perhaps we have an example even at this moment before our eyes — to show that even in the most civilized parts of the world, even in the midst of the oldest civilization upon the continent of Europe, that thirst for territorial acquisition is not yet extinct. But I wish to call your attention to a peculiar form in which, during the later part of human history, this thirst for territorial acquisition became an extensive cause of bloodshed. It was when the colonizing power took possession of the European nations. It seems that the world was not wide enough for them. One would have thought, upon looking over the broad places of the earth, and thinking how small a portion of them is even now profitably occupied, and how much smaller a portion of them a century or two centuries ago — one would have thought there would have been ample space for all to go and help themselves; but, notwithstanding this, we found it necessary, in the business of planting colonies, to make those colonies the cause of bloody conflicts with our neighbors; and there was at the bottom of that policy this old lust of territorial aggrandizement. When the state of things in Europe had become so far settled that that lust could not be as freely indulged as it might in barbarous times, we then carried our armaments and our passions across the Atlantic, and we fought upon American and other distant soils for the extension of our territory. That was one of the most dangerous and plausible, in my opinion, of all human errors; it was one to which a great portion of the wars of the last century was due; but had our forefathers then known, as we now know, the blessings of free commercial intercourse, all that bloodshed would have been spared. For what was the dominant idea that governed that policy? It

was this, that colonizing, indeed, was a great function of European nations, but the purpose of that colonization was to reap the profits of extensive trade with the colonies which were founded, and, consequently, it was not the error of one nation or of another — it was the error of all nations alike. It was the error of Spain in Mexico, it was the error of Portugal in Brazil, it was the error of France in Canada and Louisiana, it was the error of England in her colonies in the West Indies and her possessions in the East; and the whole idea of colonization, all the benefits of colonization, were summed up in this, that when you had planted a colony on the other side of the ocean, you were to allow that colony to trade exclusively and solely with yourselves. But from that doctrine flowed immediately all those miserable wars, because if people believed, as they then believed, that the trade with colonies must, in order to be beneficial, necessarily be exclusive, it followed that at once there arose in the mind of each country a desire to be possessed of the colonies of other countries, in order to secure the extension of this exclusive trade. In fact, my Lord Provost, I may say, such was the perversity of the misguided ingenuity of man, that during the period to which I refer, he made commerce itself, which ought to be the bond and link of the human race, the cause of war and bloodshed, and wars were justified both here and elsewhere — justified when they were begun, and gloried in when they had ended — upon the ground that their object and effect had been to obtain from some other nation a colony which previously had been theirs, but which now was ours, and which, in our folly, we regarded as the sole means of extending the intercourse and the industry of our countrymen. Well, now, my Lord Provost, that was a most dangerous form of error, and for the very reason that it seemed to abandon the old doctrine of the unrestricted devastation of the world, and to contemplate a peaceful end; but I am thankful to say that we have entirely escaped from that delusion. It may be that we do not wisely when we boast ourselves over our fathers. The probability is that as their errors crept in unperceived upon them, they did not know their full responsibility; so other errors in directions as yet undetected may be creeping upon us. Modesty bids us in our comparison, whether with other ages or with other countries, to be thankful — at least, we ought to be — for the downfall of every form of error, and determined we ought to be that nothing shall be done

by us to give countenance to its revival, but that we will endeavor to assist those less fortunate than ourselves in emancipating themselves from the like delusions. I need not say that as respects our colonies they have ceased to be — I would almost venture to say a possible, at any rate they have ceased to be a probable cause of war, for now we believe that the greatness of our country is best promoted in its relations with our colonies by allowing them freely and largely to enjoy every privilege that we possess ourselves; and so far from grudging it, if we find that there are plenty of American ships trading with Calcutta, we rejoice in it, because it contributes to the wealth and prosperity of our Indian empire, and we are perfectly assured that the more that wealth and prosperity are promoted, the larger will be the share of it accruing to ourselves through the legitimate operation of the principles of trade. But the beneficial influence of free trading intercourse is far wider than this. You stated that a treaty had been made with France, and certainly a treaty with France is even in itself a measure of no small consequence; but that which gives to a measure of the kind its highest value is its tendency to produce beneficial imitations in other quarters; it is the influence which is given to the cause of freedom of trade by the great example held out by the two most powerful nations of Europe; it is the fact that in concluding that treaty we did not give to one a privilege which was withheld from another, and that our treaty with France was, in effect, a treaty with the world. And what are the moral consequences which engagements of this kind carry in their train? I know there is no part of the providential government of the world which tends more deeply to impress the mind with a sense of the profound wisdom and boundless benevolence of the Almighty than when we observe how truly and how universally great effects spring from small causes, and high effects from causes which appear to have been mean. Now, we have said that, with respect to the freedom of commercial intercourse, reduction of tariffs, abolition of duties, and readjustment of commercial laws, that these are things which, in the first instance, touch material interests, and there are some men so widely mistaken as to suppose that they touch material interests alone. There are some men, aye, and high-minded men too, who would bid you beware of such things, lest they should lead simply to the worship of Mammon. Now, the worship of Mammon is dangerous to us all, but, as far as

regards the great masses, the more numerous masses of every community, that portion of the human family which at present has not much to spare in respect to the essentials of raiment, of food, and of lodging — that portion of the human family has hardly yet reached the province in which the worship of Mammon is wont to be dreaded; but that is a subject for the private conscience, and a subject of the greatest importance.

There is no doubt that an infinity of moral danger surrounds a state of things in which multitudes of men find themselves rapidly possessed of great fortunes and entirely changing their social position. I do not deny that at the proper time and in the proper place it is a subject for the most solemn consideration; but I don't think it the duty of Parliament to withhold laws which are good from any fear of their leading to the worship of Mammon. That is an argument which, if good in one case, would be urged with equal force against all blessings of Providence; for what is more dangerous to the human soul than those blessings of Providence when their great author is forgotten? But, I say, it is marvelous to see how the Almighty makes provision through the satisfaction of our lower wants and appetites for the attainment of higher aims, and the relations of business are doubtless founded upon pecuniary profit, as are also the relations of the tradesmen and customers; yet what is their immediate aim? The customer wants to be supplied wherever those supplies are best and cheapest, while the tradesman seeks to dispose of them wherever they are dearest. What are the relations between the employer and the employed? The master wishes to produce as cheaply as he can, and the workman wishes to get the best wages he can. The landlord obtains the highest rent he can safely ask, and the tenant obtains his farm as cheaply as he can; and such is the rule that runs through all these pecuniary relations of life. Human beings on the two sides of the water are coming to know one another better, and to esteem one another more; they are beginning to be acquainted with one another's common interest and feeling, and to unlearn the prejudices which make us refuse to give to other nations and peoples in distant lands credit for being governed by the same motives and principles as ourselves. We may say that labeled upon all those parcels of goods there is a spark of kindly feeling from one country to the other, and the ship revolving between those lands is like the shuttle

upon a loom, weaving the web of concord between the nations of the earth. Therefore I feel that that which may be in its first and in its outer aspect a merely secular work is in point of fact a work full of moral purpose, and those who have given themselves to it, either in times when the system of free trade has become prosperous, or in earlier times before those principles were accepted as they now are, could easily afford to bear the reproach that they were promoting the worship of Mammon, or that they were conversant only with the exterior and inferior interests of men. In all cases it is the quiet, unassuming prosecution of daily duty by which we best fulfill the purpose to which the Almighty has appointed us; and the task, humble as it may appear, of industry and of commerce, contemplating, in the first instance, little more than the necessities and the augmentation of our comforts, has in it nothing that prevents it from being pursued in a spirit of devotion to higher interests; and if it be honestly and well pursued, I believe that it tends, with a power quiet and silent, indeed, like the power of your vast machines, but at the same time manifold and resistless, to the mitigation of the woes and sorrows that afflict humanity, and to the acceleration of better times for the children of our race. Wars, my Lord Provost, are not to be put down by philosophical nor, I believe, even exclusively religious argument. The deepest prejudices of man and the greatest social evils are only supplanted and undermined by causes of silent operation; and I must say that, for my own part, I am given to dwell upon the thought that the silent and tranquil operations of these causes in connection with the vast industry of this country constitute for us, not only a promise of stability and material power, but likewise a mission that has been placed in our hands, that in being benefactors to ourselves we may also hope to be benefactors to the world. And, sir, I trust and I may say I feel well convinced, that the ideas upon which the whole of these movements depend are now well rooted in this country. Such prejudices as may remain adverse to freedom of industry or freedom of trade in any of its developments are, I hope and believe, gradually fading away. It is not easy to part with them, because we must admit, and especially we must admit, so far as the working classes are concerned, that the first reorganization of these principles may involve, or may appear to involve, something of a personal sacrifice; but the whole mind in

this community is perfectly, I believe, fixed in the conviction that these principles are the only principles upon which a country can be justly governed; nor need I say that which is so well known, that this, at least, is a country in which the conviction of the people must be the regulator of the State. My Lord Provost, I once more thank you for the honor that you have been pleased to do me. I think that, so far as the prospects of our politics are concerned, the reference that I have made to the name of the distinguished person who has succeeded to the head of the Government is, perhaps, more becoming, and is likewise of a character to carry greater weight, than any mere professions that I could lay down before you of a desire to serve my country. It is an arduous task to which we are called.

I do not hesitate to say that the most painful, the most frequently recurring sentiments of public life must, I think, be a sense of the inadequacy of resources, inadequacy of physical strength, inadequacy of mental strength, to meet its innumerable obligations; at the same time that pain is not aggravated by a sense that our shortcomings are severely judged. We serve a sovereign whose confidence has ever been largely given to the counselors who are charged with public responsibility, and we act for a people ever ready to overlook shortcomings, to pardon errors, to construe intentions favorably, and to recognize, with a warmth and generosity beyond measure, any amount of real service that may have been conferred. We ought, therefore, to be cheerful; we ought, above all, to be grateful in the position in which we stand. And these are not mere idle words, but they are what the situation evidently demands and exacts from us all, when we assure you that it is a rich reward to come among great masses of our most cultivated and intelligent fellow-citizens, to find ourselves cheered on, in our course, by acknowledgments such as that which you have given me to-day. We have little to complain of; we have much, indeed, to acknowledge with thankfulness; and most of all, we have to delight in the recollection that the politics of this world are — perhaps very slowly, with many hindrances, many checks, many reverses, yet that upon the whole they are — gradually assuming a character which promises to be less and less one of aggression and offense; less and less one of violence and bloodshed; more and more one of general union and friendliness; more and more one connecting the common reciprocal advantages, and the common interests

pervading the world, and uniting together the whole of the human family in a manner which befits rational and immortal beings, owing their existence to one Creator, and having but one hope either for this world or the next.

HOME RULE AND «AUTONOMY»

(Exordium and Statement from the Speech Delivered in the House of Commons, May 10th, 1886)

I was the latest of the Members of this House who had an opportunity of addressing the House in the debate on the introduction of this bill, yet I think no one will be surprised at my desiring to submit some observations in moving the second reading. And this, on the double ground: First of all, because unquestionably the discussion has been carried on since the introduction of the bill throughout the country with remarkable liveliness and activity; and, second, because so many criticisms have turned on an important particular of the bill with respect to which the Government feels it to be an absolute duty on our part that we should, without delay whatever, render to the House the advantage of such explanations as, consistently with our public duty, it may be in our power to make.

I am very sorry to say that I am obliged to introduce into this speech — but only, I hope, to the extent of a very few sentences — a statement of my own personal position in regard to this question, which I refrained from mentioning to the House at the time when I asked for leave to bring in the bill. But I read speeches which some gentlemen opposite apparently think it important to make to their constituencies, and which contain statements so entirely erroneous and baseless that, although I do not think it myself to be a subject of great importance and relevancy to the question, yet as they do think it to be so, I am bound to set them right, and to provide them with the means of avoiding similar errors on future occasions. Although it is not a very safe thing for a man who has been for a long time in public life — and sometimes not very safe even for those who have been for a short time in public life — to assert a negative, still I will venture to assert that I have never, in any period of my life, declared what is now familiarly known as Home Rule in

Ireland to be incompatible with imperial unity. Yes; exactly so. My sight is bad, and I am not going to make personal references; but I dare say the interruption comes from some Member who has been down to his constituents and has made one of those speeches stuffed full of totally untrue and worthless matter.

I will go on to say what is true in this matter. In 1871 the question of Home Rule was an extremely young question. In fact, Irish history on these matters in my time has divided itself into three great periods. The first was the Repeal period under Mr. O'Connell, which began about the time of the Reform Act, and lasted until the death of that distinguished man. On that period I am not aware of ever having given an opinion; but that is not the question which I consider is now before us. The second period was that between the death of Mr. O'Connell and the emergence, so to say, of the subject of Home Rule. That was the period in which physical force and organizations with that object were conceived and matured, taking effect under the name generally of what is known as Fenianism. In 1870 or 1871 came up the question of Home Rule. In a speech which I made in Aberdeen at that period, I stated the great satisfaction with which I heard and with which I accepted the statements of the proposers of Home Rule, that under that name they contemplated nothing that was at variance with the unity of the Empire.

But while I say this, do not let it be supposed that I have ever regarded the introduction of Home Rule as a small matter, or as entailing a slight responsibility. I admit, on the contrary, that I have regarded it as a subject of the gravest responsibility, and so I still regard it. I have cherished, as long as I was able to cherish, the hope that Parliament might, by passing — by the steady and continuous passing — of good measures for Ireland, be able to encounter and dispose of the demand for Home Rule in that manner which obviously can alone be satisfactory. In that hope undoubtedly I was disappointed. I found that we could not reach that desired point. But two conditions have always been absolute and indispensable with me in regard to Home Rule. In the first place, it was absolutely necessary that it should be shown, by marks at once unequivocal and perfectly constitutional, to be the desire of the great mass of the population of Ireland; and I do not hesitate to say that that condition has never been absolutely and unequivocally fulfilled, in a man-

ner to make its fulfillment undeniable, until the occasion of the recent election. It was open for any one to discuss whether the honorable Member for Cork — acting as he acted in the last Parliament, with some forty-five Members — it was open to any one to question how far he spoke the sentiments of the mass of the Irish population. At any rate, it is quite evident that any responsible man in this country, taking up the question of Home Rule at that time, and urging the belief that it was the desire of the mass of the Irish population, would have been encountered in every quarter of the House with an incredulity that it would have been totally impossible for him to have overcome. Well, I own that to me that question is a settled question. I live in a country of representative institution; I have faith in representative institutions; and I will follow them out to their legitimate consequences; and I believe it to be dangerous in the highest degree, dangerous to the Constitution of this country and to the unity of the Empire, to show the smallest hesitation about the adoption of that principle. Therefore, that principle for me is settled.

The second question — and it is equally an indispensable condition with the first — is this: Is Home Rule a thing compatible or incompatible with the unity of the Empire? Again and again, as may be in the recollection of Irish Members, I have challenged, in this House and elsewhere, explanations upon the subject, in order that we might have clear knowledge of what it was they so veiled under the phrase, not exceptionable in itself, but still open to a multitude of interpretations. Well, that question was settled in my mind on the first night of the present session, when the honorable gentleman, the leader of what is termed the Nationalist party from Ireland, declared unequivocally that what he sought under the name of Home Rule was autonomy for Ireland. "Autonomy" is a name well known to European law and practice as importing, under a historical signification sufficiently definite for every practical purpose, the management and control of the affairs of the territory to which the word is applied, and as being perfectly compatible with the full maintenance of Imperial unity. If any part of what I have said is open to challenge, it can be challenged by those who read my speeches, and I find that there are many readers of my speeches when there is anything to be got out of them and turned to account. I am quite willing to stand that test, and I

believe that what I have said now is the exact and literal and absolute truth as to the state of the case. . . .

What was the cry of those who resisted the concession of autonomy to Canada? It was the cry which has slept for a long time, and which has acquired vigor from sleeping,—it was the cry with which we are now becoming familiar,—the cry of the unity of the Empire. Well, sir, in my opinion the relation with Canada was one of very great danger to the unity of the Empire at one time, but it was the remedy for the mischief and not the mischief itself which was regarded as dangerous to the unity of the Empire. Here I contend that the cases are precisely parallel, and that there is danger to the unity of the Empire in your relations with Ireland; but, unfortunately, while you are perfectly right in raising the cry, you are applying the cry and the denunciation to the remedy, whereas you ought to apply it to the mischief.

In those days what happened? In those days, habitually in this House, the mass of the people of Canada were denounced as rebels. Some of them were Protestants and of English and Scotch birth. The majority of them were Roman Catholic and of French extraction. The French rebelled. Was that because they were of French extraction and because they were Roman Catholics? No, sir; for the English of Upper Canada did exactly the same thing. They both of them rebelled, and perhaps I may mention,—if I may enliven the strain of the discussion for a moment,—that I remember Mr. O'Connell, who often mingled wit and humor with his eloquence in those days when the discussion was going on with regard to Canada, and when Canada was the one dangerous question,—the one question which absorbed interest in this country as the great question of the hour,—when we were engaged in that debate, Mr. O'Connell intervened, and referred to the well-known fact that a French orator and statesman named Papineau had been the promoter and the leader of the agitation in Canada; and what said Mr. O'Connell? He said: "The case is exactly the case of Ireland with this difference, that in Canada the agitator had got the 'O' at the end of his name instead of at the beginning." Well, these subjects of her Majesty rebelled,—were driven to rebellion and were put down. We were perfectly victorious over them, and what then happened? Directly the military victory was assured—as Mr. Burke told the men of the day of the American War—the mo-

ment the military victory was assured, the political difficulty began. Did they feel it? They felt it; they gave way to it. The victors were the vanquished, for if we were victors in the field we were vanquished in the arena of reason. We acknowledged that we were vanquished, and within two years we gave complete autonomy to Canada. And now gentlemen have forgotten this great lesson of history. By saying that the case of Canada has no relation to the case of Ireland, I refer to that little sentence written by Sir Charles Duffy, who himself exhibits in his own person as vividly as anybody the transition from a discontented to a loyal subject. "Canada did not get Home Rule because she was loyal and friendly, but she has become loyal and friendly because she got Home Rule."

Now I come to another topic, and I wish to remind you as well as I can of the definition of the precise issue which is at the present moment placed before us. In the introduction of this bill, I ventured to say that its object was to establish, by the authority of Parliament, a legislative body to sit in Dublin for the conduct of both legislation and administration under the conditions which may be prescribed by the Act defining Irish as distinctive from Imperial affairs. I laid down five, and five only, essential conditions which we deemed it to be necessary to observe. The first was the maintenance of the unity of the Empire; the second was political equality; the third was the equitable distribution of Imperial burdens; the fourth was the protection of minorities; and the fifth was that the measure which we proposed to Parliament,—I admit that we must stand or fall by this definition quite as much as by any of the others,—that the measure should present the essential character and characteristics of a settlement of the question.

Well, sir, that has been more briefly defined in a resolution of the Dominion Parliament of Canada, with which, although the definition was simpler than my own, I am perfectly satisfied. In their view there are three vital points which they hope will be obtained, and which they believe to be paramount, and theirs is one of the most remarkable and significant utterances which have passed across the Atlantic to us on this grave political question. [Cries of "Oh, oh!" from the opposition.] I just venture to put to the test the question of the equity of those gentlemen. You seem to consider that these manifestations are worthless. Had these manifestations taken place in condemnation of the bills

and policy of the Government, would they have been so worthless?

A question so defined for the establishment of a legislative body to have effective control of legislation and administration in Ireland for Irish affairs, and subject to those conditions about which, after all, there does not appear in principle to be much difference of opinion among us,—that is the question on which the House is called to give a vote, as solemn and as important as almost, perhaps, any in the long and illustrious records of its history.

THE COMMERCIAL VALUE OF ARTISTIC EXCELLENCE

(From the Address Delivered at the Founding of Wedgwood Institute in Staffordshire, October 26th, 1863)

We may consider the products of industry with reference to their utility, or to their cheapness, or with regard to their influence upon the condition of those who produce them, or, lastly, with reference to their beauty, to the degree in which they associate the presentation of forms and colors, agreeable to the cultivated eye, with the attainment of the highest aptitude for those purposes of common life for which they are properly designed. First, as to their utility and convenience, considered alone, we may leave that to the consumer, who will not buy what does not suit him. As to their cheapness, when once security has been taken that an entire society shall not be forced to pay an artificial price to some of its members for their productions, we may safely commit the question to the action of competition among manufactures, and of what we term the laws of supply and demand. As to the condition of work-people, experience has shown, especially in the case of the Factory Acts, that we should do wrong in laying down any abstract maxim as an invariable rule. Generally, it may be said that the presumption is, in every case, against legislative interference, but that upon special grounds, and most of all where children are employed, it may sometimes, not only be warranted, but required. This, however, though I may again advert to it, is not for to-day our special subject. We come, then, to the last of the heads which I have named: the association of beauty with utility, each of them taken according to its largest sense, in the business of industrial

production. And it is in this department, I conceive, that we are to look for the peculiar pre-eminence, I will not scruple to say the peculiar greatness, of Wedgwood.

Now, do not let us suppose that, when we speak of this association of beauty with convenience, we speak either of a matter which is light and fanciful, or of one which may, like some of those I have named, be left to take care of itself. Beauty is not an accident of things, it pertains to their essence; it pervades the wide range of creation; and wherever it is impaired or banished, we have in this fact the proof of the moral disorder which disturbs the world. Reject, therefore, the false philosophy of those who will ask what does it matter, provided a thing be useful, whether it be beautiful or not; and say in reply, that we will take one lesson from Almighty God, who in his works hath shown us, and in his Word also hath told us, that "He hath made everything," not one thing, or another thing, but everything, "beautiful in his time." Among all the devices of creation, there is not one more wonderful, whether it be the movement of the heavenly bodies, or the succession of the seasons and the years, or the adaptation of the world and its phenomena to the conditions of human life, or the structure of the eye, or hand, or any other part of the frame of man,—not one of all these is more wonderful than the profuseness with which the Mighty Maker has been pleased to shed over the works of his hands an endless and boundless beauty.

And to this constitution of things outward, the constitution and mind of man, deranged although they be, still answer from within. Down to the humblest condition of life, down to the lowest and most backward grade of civilization, the nature of man craves, and seems, as it were, even to cry aloud, for something, some sign or token at the least, of what is beautiful, in some of the many spheres of mind or sense. This it is, that makes the Spitalfields weaver, amidst the murky streets of London, train canaries and bullfinches to sing to him at his work; that fills with flower-pots the windows of the poor; that leads the peasant of Pembrokeshire to paint the outside of his cottage in the gayest colors; that prompts, in the humbler classes of women, a desire for some little personal ornament,—a desire certainly not without dangers (for what sort of indulgence can ever be without them?) yet sometimes, perhaps, too sternly repressed from the high and luxurious places of society. But, indeed, we

trace the operation of this principle yet more conspicuously in a loftier region: in that instinct of natural and Christian piety, which taught the early masters of the Fine Arts to clothe, not only the most venerable characters associated with the objects and history of our Faith, but especially the idea of the sacred Person of our Lord, in the noblest forms of beauty that their minds could conceive, and their hands could execute.

It is, in short, difficult for human beings to harden themselves at all points against the impressions and the charm of beauty. Every form of life, that can be called in any sense natural, will admit them. If we look for an exception, we shall, perhaps, come nearest to finding one in a quarter where it would not at first be expected. I know not whether there is any one among the many species of human aberration, that renders a man so entirely callous as the lust of gain in its extreme degrees. That passion, where it has full dominion, excludes every other; it shuts out even what might be called redeeming infirmities; it blinds men to the sense of beauty, as much as to the perception of justice and right; cases might perhaps be named of countries, where greediness for money holds the widest sway, and where unmitigated ugliness is the principal characteristic of industrial products. On the other hand, I do not believe it is extravagant to say that the pursuit of the element of beauty, in the business of production, will be found to act with a genial, chastening, and refining influence on the commercial spirit; that, up to a certain point, it is in the nature of a preservative against some of the moral dangers that beset trading and manufacturing enterprises; and that we are justified in regarding it not merely as an economical benefit; not merely as that which contributes to our works an element of value; not merely as that which supplies a particular faculty of human nature with its proper food; but as a liberalizing and civilizing power, and an instrument, in its own sphere, of moral and social improvement. Indeed, it would be strange, if a deliberate departure from what we see to be the law of Nature, in its outward sphere, were the road to a close conformity with its innermost and highest laws.

But now let us not conceive that because the love of beauty finds for itself a place in the general heart of mankind, therefore we need never make it the object of a special attention, or put in action special means to promote and to uphold it. For, after all,

our attachment to it is a matter of degree, and of degree which experience has shown to be, in different places, and at different times, indefinitely variable. We may not be able to reproduce the age of Pericles, or even that which is known as the *Cinque-cento;* but yet it depends upon our own choice whether we shall or shall not have a title to claim kindred, however remotely, with either, aye, or with both, of those brilliant periods. What we are bound to, is this: to take care that everything we produce shall, in its kind and class, be as good as we can make it. When Doctor Johnson, whom I suppose Staffordshire must ever reckon among her most distinguished ornaments, was asked by Mr. Boswell how he had attained to his extraordinary excellence in conversation, he replied, he had no other rule or system than this: that whenever he had anything to say, he tried to say it in the best manner he was able. It is this perpetual striving after excellence on the one hand, or the want of such effort on the other, which, more than the original difference of gifts (certain and great as that difference may be) contributes to bring about the differences we observe in the works and characters of men. Now, such efforts are more rare, in proportion as the object in view is higher, the reward more distant.

It appears to me that in the application of beauty to works of utility, the reward is generally remote. A new element of labor is imported into the process of production; and that element, like others, must be paid for. In the modest publication which the firm of Wedgwood and Bently put forth under the name of a Catalogue, but which really contains much sound and useful teaching on the principles of industrial art, they speak plainly on this subject to the following effect: —

«There is another error, common with those who are not overwell acquainted with the particular difficulties of a given art; they often say that a beautiful object can be manufactured as cheaply as an ugly one. A moment's reflection should suffice to undeceive them.»

The beautiful object will be dearer than one perfectly bare and bald, not because utility is curtailed or compromised for the sake of beauty, but because there may be more manual labor, and there must be more thought, in the original design: —

«*Pater ipse colendi*
Haud facilem esse viam voluit.»

Therefore the manufacturer, whose daily thought it must and ought to be to cheapen his productions, endeavoring to dispense with all that can be spared, is under much temptation to decline letting beauty stand as an item to lengthen the account of the costs of production. So the pressure of economical laws tells severely upon the finer elements of trade. And yet it may be argued that, in this as in other cases, in the case for example of the durability and solidity of articles, that which appears cheapest at first may not be cheapest in the long run. And this for two reasons. In the first place, because in the long run mankind are willing to pay a price for Beauty. I will seek for a proof of this proposition in an illustrious neighboring nation. France is the second commercial country of the world, and her command of foreign markets seems clearly referable, in a great degree, to the real elegance of her productions, and to establish in the most intelligible form the principle that taste has an exchangeable value; that it fetches a price in the markets of the world. But, furthermore, there seems to be another way by which the law of nature arrives at its revenge upon the short-sighted lust for cheapness. We begin, say, by finding Beauty expensive. We accordingly decline to pay a class of artists for producing it. Their employment ceases; and the class itself disappears. Presently we find by experience that works reduced to utter baldness do not long satisfy. We have to meet a demand for embellishment of some kind. But we have now starved out the race who knew the laws and modes of its production. Something, however, must be done. So we substitute strength for flavor, quantity for quality; and we end by producing incongruous excrescences, or even hideous malformations at a greater cost than would have sufficed for the nourishment among us, without a break, of chaste and virgin art.

Thus, then, the penalty of error may be certain; but it may remain not the less true that the reward of sound judgment and right action, depending, as it does, not on to-day or to-morrow, but on the far-stretching future, is remote. In the same proportion, it is wise and needful to call in aid all the secondary resources we can command. Among those instruments, and among the best of them, is to be reckoned the foundation of Institutes, such as that which you are now about to establish; for they not only supply the willing with means of instruction, but they bear witness from age to age to the principle on which they are founded;

they carry down the tradition of good times through the slumber and the night of bad times, ready to point the path to excellence when the dawn returns again. I heartily trust the Wedgwood Institute will be one worthy of its founders and of its object.

DESTINY AND INDIVIDUAL ASPIRATION

(From an Address Delivered at Edinburgh University, 1860)

THE mountain-tops of Scotland behold on every side of them the witness, and many a one of what were once her morasses and her moorlands, now blossoming as the rose, carries on its face the proof, how truly it is in man and not in his circumstances that the secret of his destiny resides. For most of you that destiny will take its final bent towards evil or towards good, not from the information you imbibe, but from the habits of mind, thought, and life that you shall acquire, during your academical career. Could you with the bodily eye watch the moments of it as they fly, you would see them all pass by you, as the bee that has rifled the heather bears its honey through the air, charged with the promise, or it may be with the menace, of the future. In many things it is wise to believe before experience; to believe, until you may know; and believe me when I tell you that the thrift of time will repay you in after life with a usury of profit beyond your most sanguine dreams, and that the waste of it will make you dwindle, alike in intellectual and in moral stature, beneath your darkest reckonings. . . .

I am Scotchman enough to know that among you there are always many who are already, even in their tender years, fighting with a mature and manful courage the battle of life. When these feel themselves lonely amidst the crowd; when they are for a moment disheartened by that difficulty which is the rude and rocking cradle of every kind of excellence; when they are conscious of the pinch of poverty and self-denial; let them be conscious, too, that a sleepless Eye is watching them from above, that their honest efforts are assisted, their humble prayers are heard, and all things are working together for their good. Is not this the life of faith, which walks by your side from your rising in the morning to your lying down at night; which lights up for you the cheerless world, and transfigures and glorifies all that you encounter, whatever be its outward form, with hues brought

down from heaven? These considerations are applicable to all of you You are all in training here for educated life; for the higher forms of mental experience; for circles, limited perhaps, but yet circles of social influence and leadership. Some of you may be chosen to greater distinctions and heavier trials, and may enter into that class of which each member, while he lives, is envied or admired—

> "And when he dies, he leaves a lofty name,
> A light, a landmark, on the cliffs of fame."

And, gentlemen, the hope of an enduring fame is, without doubt, a powerful incentive to virtuous action, and you may suffer it to float before you as a vision of refreshment, second always, and second with a long interval between, to your conscience and to the will of God. For an enduring fame is one stamped by the judgment of the future; of that future which dispels illusions, and crushes idols into dust. Little of what is criminal, little of what is idle, can endure even the first touch of the ordeal; it seems as though this purging power, following at the heels of man and trying his work, were a witness and a harbinger upon earth of the great and final account.

THE USE OF BOOKS

(From an Address Delivered at the Opening of New Reading and Recreation Rooms at Saltney, October 26th, 1889)

And now I commend you again to your books. Books are delightful society. If you go into a room and find it full of books,—even without taking them from their shelves, they seem to speak to you, to bid you welcome. They seem to tell you that they have something inside their covers that will be good for you, and that they are willing and desirous to impart to you. Value them much. Endeavor to turn them to good account, and pray recollect this, that the education of the mind is not merely a storage of goods in the mind. The mind of man, some people seem to think, is a storehouse which should be filled with a quantity of useful commodities which may be taken out like packets from a shop, and delivered and distributed according to the occasions of life. I will not say that this is not true as far as it goes, but it goes a very little way; for com-

modities may be taken in, and commodities may be taken out, but the warehouse remains just the same as it was before, or probably a little worse. That ought not to be the case with a man's mind. No doubt you are able to cull knowledge that is useful for the temporal purposes of life, but never forget that the purpose for which a man lives is the improvement of the man himself, so that he may go out of this world having, in his great sphere or his small one, done some little good to his fellow-creatures, and labored a little to diminish the sin and the sorrow that are in the world. . . .

My last recommendation to the student is one I have been in the habit of making for the last fifty years, because I then adopted the sentiments upon which it is founded, and I now make it therefore with greater confidence after the lapse of fifty years. That recommendation is, to those who are able to carry it out, to study the history of the American Revolution. That is an extraordinary history. It is highly honorable to those who brought that Revolution about; but also honorable in no insignificant degree to this country, because it was by this country that the seeds of freedom were sown in America, because it was by imitating this country that America acquired the habits of freedom, and the capacity for more freedom. In this country we have happily had, to a great extent, and I hope we shall have it still more, what is called local self-government — not merely one government at a certain point, composed of parties and exerting a vast power over their fellow-citizens, but a system under which the duties of government are distributed according to the capacities of the different divisions of the country, and the different classes of the people who perform them, in such a way that government should be practiced, not only in the metropolis, but in every county, in every borough, over every district, and in every parish. And that has tended to bring home to the mind of every father of a family a sense of the public duty which he is called upon to perform. That has been the secret of the strength of America. The colonial system in which America was reared was, in the main, a free colonial system. You had in America these two things combined, the love of freedom and respect for law, and a desire for the maintenance of order; and where you find these two things combined, love of freedom, together with respect for law and the desire for order, you have the elements of national excellence and national greatness. . . .

To every Englishman the history of his own country should be followed with the greatest interest. Depend upon it, a human being, if he is to grow, will find that one of the best and most certain means of growth is, that he should dwell, not only in the present, but also in the future, and not only in the present and future, but also in the past, and that is eminently characteristic of Englishmen. Lately I was reading a work, a very clever work, by a French author, who spoke of the method in which great constitutional improvements were carried out in England and France. He said that in seasons of difficulty and revolution in France, they took the opportunity to frame declarations of principle, and to write new constitutions. The French have immense talent, great power of abstract argument, and they framed those documents probably more cleverly than we could; but, as the writer says, whenever there has been a revolution in England, such as that of 1688, they did not go about framing these constitutions, but they looked back into their old history, and inquired what their fathers did before them. They went back, for instance, at the time of the Revolution in 1688, four hundred or five hundred years before, for precedents. Don't believe the people who tell you that the English Constitution began in the year 1800. It is as old as the Bible. I shall not be charged with immoderate language if I say that it is about one thousand, or certainly five or six hundred years ago, when our English forefathers began to develop those grand fundamental ideas which now constitute the basis of British liberty. Therefore, depend upon it, in the study of English history you do a great deal for bracing and developing your own character, and for fitting yourself to take charge of any employment or position to which others may call you.

ON LORD BEACONSFIELD

(Delivered in the House of Commons, May 9th, 1881)

The career of Lord Beaconsfield is, in many respects, the most remarkable in our parliamentary history. For my own part, I know but one that can fairly be compared to it in regard to the emotional surprise — the emotion of wonder, which, when viewed as a whole, it is calculated to excite, and that is the career, the early career, of Mr. Pitt. Lord Beaconsfield's

name is associated with, at least, one great constitutional change, in regard to which I think it will ever be admitted — at least, I can never scruple to admit it — that its arrival was accelerated by his personal act. I will not dwell upon that, but upon the close association of his name with the important change in the principle of the parliamentary franchise. It is also associated with great European transactions, great European arrangements. I put myself in the position, not necessarily of a friend and admirer, who looks with sympathy at the character of the action of Lord Beaconsfield, but in the position of one who looks at the magnitude of the part which he played on behalf of this country, and I say that one who was his political friend might fairly have said of him —

> «*Aspice, ut insignis spoliis Marcellus opimis*
> *Ingreditur, victorque viros supereminet omnes.*»

The deceased statesman had certain great qualities on which it would be idle for me to enlarge; his extraordinary intellectual powers, for instance, were as well known to others as to me. But other qualities there were in him, not merely intellectual or immediately connected with the conduct of affairs, but with regard to which I should wish, were I younger, to stamp the recollection of him on my mind for my own future guidance, and which I strongly recommend to those who are younger for notice and imitation. These characteristics were not only written in a marked manner on his career, but were possessed by him in a degree undoubtedly extraordinary. I speak, for example, of his strength of will; his long-sighted persistency of purpose, reaching from his very first entrance on the avenue of life to its very close; his remarkable power of self-government; and last, not least, his great parliamentary courage, which I, who have been associated in the course of my life with some scores of ministers, have never seen surpassed. There were other points in his character on which I cannot refrain from saying a word or two. I wish to express my admiration for those strong sympathies of race, for the sake of which he was always ready to risk popularity and influence. A like sentiment I feel towards the strength of his sympathies with that brotherhood to which he thought, and justly thought, himself entitled to belong — the brotherhood of men of letters. It is only within the last few days that I have read in a very interesting book, 'The Autobio-

graphy of Thomas Cooper,' how in the year 1844, when his influence with his party was not yet established, Mr. Cooper came to him in the character of a struggling literary man, who was also a Chartist, and the then Mr. Disraeli met him with the most active and cordial kindness — so ready was his sympathy for genius. There was also another feeling which may be referred to now without indelicacy,— I mean his profound, devoted, tender, and grateful affection for his wife, which, if it deprived him of the honor of public obsequies,— I know not whether it did so,— has, nevertheless, left him a more permanent title, as one who knew, amid the calls and temptations of political life, what was due to the sanctity and strength of the domestic affections, and made him in that respect an example to the country. . . . There is much misapprehension abroad as to the personal sentiments between public men who are divided in policy. Their words may necessarily, from time to time, be sharp; their judgments may necessarily be severe, but the general idea of persons less informed than those within the parliamentary circle, is that they are actuated by sentiments of intense antipathy or hatred for one another. I wish to take this occasion — if, with the permission of the House, I may for a moment degenerate into egotism — of recording my firm conviction that in all the judgments ever delivered by Lord Beaconsfield upon myself, he never was actuated by sentiments of personal antipathy. It is a pleasure to me to make that acknowledgment. The feeling on my part is not a new one, but the acknowledgment of it could hardly have been made with propriety on an earlier occasion. . . . I have now called attention to the fact that that to which we have to look is the greatness of the man himself, and of the transactions with which he was associated, and the full, undisputed, constitutional authority that he possessed to sanction his policy.

RICHARD GOTTHEIL

(1863–)

DOCTOR RICHARD GOTTHEIL, Professor of Semitic Languages and Rabbinical Literature in Columbia University in the city of New York, is president of the American Federation of Zionists, and one of the organizers of a movement which has attracted world-wide attention. The American Federation, organized July 4th, 1897, now comprises a hundred societies, representing every section of the country, all co-operating to bring about the rehabilitation of Palestine as a political power,—the seat of a restored Hebrew national life. In the peroration of his address of November 1st, 1898, here given, Doctor Gottheil eloquently presents the objects of the movement.

THE JEWS AS A RACE AND AS A NATION

(Peroration of the Address, 'The Aims of Zionism,' Delivered in New York City, November 1st, 1898)

I KNOW that there are a great many of our people who look for a final solution of the Jewish question in what they call "assimilation." The more the Jews assimilate themselves to their surroundings, they think, the more completely will the causes for anti-Jewish feeling cease to exist. But have you ever for a moment stopped to consider what assimilation means? It has very pertinently been pointed out that the use of the word is borrowed from the dictionary of physiology. But in physiology it is not the food which assimilates itself into the body. It is the body which assimilates the food. The Jew may wish to be assimilated; he may do all he will towards this end. But if the great mass in which he lives does not wish to assimilate him—what then? If demands are made upon the Jew which practically mean extermination, which practically mean his total effacement from among the nations of the globe and from among the religious forces of the world,—what answer will you give? And the demands made are practically of that nature.

I can imagine it possible for a people who are possessed of an active and aggressive charity which it expresses, not only in words, but also in deeds, to contain and live at peace with men of the most varied habits. But, unfortunately, such people do not exist; nations are swayed by feelings which are dictated solely by their own self-interests; and the Zionists, in meeting this state of things, are the most practical as well as the most ideal of the Jews.

It is quite useless to tell the English workingman that his Jewish fellow-laborer from Russia has actually increased the riches of the United Kingdom; that he has created quite a new industry,—that of making ladies' cloaks, for which formerly England sent £2,000,000 to the continent every year. He sees in him some one who is different to himself, and unfortunately successful, though different. And until that difference entirely ceases, whether of habit, of way, or of religious observance, he will look upon him and treat him as an enemy.

For the Jew has this especial disadvantage. There is no place where that which is distinctively Jewish in his manner or in his way of life is *à la mode*. We may well laugh at the Irishman's brogue; but in Ireland, he knows, his brogue is at home. We may poke fun at the Frenchman as he shrugs his shoulders and speaks with every member of his body. The Frenchman feels that in France it is the proper thing so to do. Even the Turk will wear his fez, and feel little the worse for the occasional jibes with which the street boy may greet it. But this consciousness, this ennobling consciousness, is all denied the Jew. What he does is nowhere *à la mode;* no, not even his features; and if he can disguise these by parting his hair in the middle or cutting his beard to a point, he feels he is on the road towards assimilation. He is even ready to use the term "Jewish" for what he considers uncouth and low.

For such as these amongst us, Zionism also has its message. It wishes to give back to the Jew that nobleness of spirit, that confidence in himself, that belief in his own powers which only perfect freedom can give. With a home of his own, he will no longer feel himself a pariah among the nations, he will nowhere hide his own peculiarities,—peculiarities to which he has a right as much as any one,—but will see that those peculiarities carry with them a message which will force for them the admiration of the world. He will feel that he belongs somewhere and not

everywhere. He will try to be something and not everything. The great word which Zionism preaches is conciliation of conflicting aims, of conflicting lines of action; conciliation of Jew to Jew. It means conciliation of the non-Jewish world to the Jew as well. It wishes to heal old wounds; and by frankly confessing differences which do exist, however much we try to explain them away, to work out its own salvation upon its own ground, and from these to send forth its spiritual message to a conciliated world.

But, you will ask, if Zionism is able to find a permanent home in Palestine for those Jews who are forced to go there as well as those who wish to go, what is to become of us who have entered, to such a degree, into the life around us, and who feel able to continue as we have begun? What is to be our relation to the new Jewish polity? I can only answer: Exactly the same as is the relation of people of other nationalities all the world over to their parent home. What becomes of the Englishman in every corner of the globe? What becomes of the German? Does the fact that the great mass of their people live in their own land prevent them from doing their whole duty towards the land in which they happen to live? Is the German-American considered less of an American because he cultivates the German language and is interested in the fate of his fellow-Germans at home? Is the Irish-American less of an American because he gathers money to help his struggling brethren in the Green Isle? Or are the Scandinavian-Americans less worthy of the title Americans, because they consider precious the bonds which bind them to the land of their birth, as well as those which bind them to the land of their adoption?

Nay! it would seem to me that just those who are so afraid that our action will be misinterpreted should be among the greatest helpers in the Zionist cause. For those who feel no racial and national communion with the life from which they have sprung should greet with joy the turning of Jewish immigration to some place other than the land in which they dwell. They must feel, for example, that a continual influx of Jews who are not Americans is a continual menace to the more or less complete absorption for which they are striving.

But I must not detain you much longer. Will you permit me to sum up for you the position which we Zionists take in the following statements:—

We believe that the Jews are something more than a purely religious body; that they are not only a race, but also a nation; though a nation without as yet two important requisites—a common home and a common language.

We believe that if an end is to be made to Jewish misery and to the exceptional position which the Jews occupy,—which is the primary cause of Jewish misery,—the Jewish nation must be placed once again in a home of its own.

We believe that such a national regeneration is the fulfillment of the hope which has been present to the Jew throughout his long and painful history.

We believe that only by means of such a national regeneration can the religious regeneration of the Jews take place, and they be put in a position to do that work in the religious world which Providence has appointed for them.

We believe that such a home can only naturally, and without violence to their whole past, be found in the land of their fathers —in Palestine.

We believe that such a return must have the guarantee of the great powers of the world in order to secure for the Jews a stable future.

And we hold that this does not mean that all Jews must return to Palestine.

This, ladies and gentlemen, is the Zionist program. Shall we be able to carry it through? I cannot believe that the Jewish people have been preserved throughout these centuries either for eternal misery or for total absorption at this stage of the world's history. I cannot think that our people have so far misunderstood their own purpose in life, as now to give the lie to their own past and to every hope which has animated their suffering body.

Bear with me but a few moments longer while I read the words which a Christian writer puts into the mouth of a Jew. "The effect of our separateness will not be completed and have its hightest transformation, unless our race takes on again the character of a nationality. That is the fulfillment of the religious trust that molded them into a people, whose life has made half the inspiration of the world. . . . Revive the organic centre; let the unity of Israel which has made the growth and form of its religion be an outward reality. Looking toward a land and a polity, our dispersed people in all the ends of the

earth may share the dignity of a national life which has a voice among the peoples of the East and the West — which will plant the wisdom and skill of our race so that it may be, as of old, a medium of transmission and understanding. Let that come to pass, and the living warmth will spread to the weak extremities of Israel. Let the central fire be kindled again, and the light will reach afar. The degraded and scorned of the race will learn to think of their sacred land, not as a place for saintly beggary to await death in loathsome idleness, but as a republic, where the Jewish spirit manifests itself in a new order founded on the old, purified, enriched by the experiences which our greatest sons have gathered from the life of the ages. A new Judea, poised between East and West — a covenant of reconciliation. The sons of Judah have to choose, that God may again choose them. The Messianic time is the time when Israel shall will the planting of the national ensign. The divine principle of our race is action, choice, resolved memory. Let us help to will our own better future of the world — not renounce our higher gift and say: 'Let us be as if we were not among the populations,' but choose our full heritage, claim the brotherhood of our nation, and carry into it a new brotherhood with the nations of the Gentiles. The vision is there; it will be fulfilled."

These are the words of the non-Jewish Zionist, George Eliot. We take hope, for has not that Jewish Zionist said: "We belong to a race that can do everything but fail."

HENRY W. GRADY

(1851–1889)

WHAT was called "The New South Movement," in industry and in politics, was best represented by Henry W. Grady, of Georgia, editor of the Atlanta Constitution, an able journalist and one of the most effective public speakers of his day. He was born in 1851, and his boyhood was passed during the years of worst disturbance the country has known. The conditions caused by the Civil War were specially marked in Georgia, but that State was one of the first at the South to attempt extensive manufacturing. Mr. Grady encouraged this in every possible way, and when, in 1886, he spoke before the New England Society in New York on conditions at the South, he identified Southern industrial interests with those of New England in such a way as to convince his hearers that a great change in national politics was impending. It was expected by some that the Whig party would be reorganized at the South and that Mr. Clay's ideas of "the American system" would revive under Southern leadership and result in a political re-alignment. In his speech of December 1889, said to be his best, Mr. Grady explained the "Race problem" to a Boston audience in a way in which it had never been presented before. If he had not been already famous, this speech would have made him so, but he did not survive to enjoy his increased reputation from it, as he died December 23d, 1889, a few days after his return to Atlanta.

THE NEW SOUTH AND THE RACE PROBLEM

(Delivered at a Banquet of the Boston Merchants' Association in Boston, December 12th, 1889)

THE stoutest apostle of the Church, they say, is the missionary, and the missionary, wherever he unfurls his flag, will never find himself in deeper need of unction and address than I, bidden to-night to plant the standard of a Southern Democrat in Boston's banquet hall, and to discuss the problem of the races in the home of Phillips and of Sumner. But, Mr. President, if a purpose to speak in perfect frankness and sincerity; if earnest

understanding of the vast interests involved; if a consecrating sense of what disaster must follow further misunderstanding and estrangement — if all these may be counted on to steady undisciplined speech and to strengthen an untried arm, then, sir, I shall find the courage to proceed.

Happy am I that this mission has brought my feet, at last, to press New England's historic soil, and my eyes to the knowledge of her beauty and her thrift. Here within touch of Plymouth Rock and Bunker Hill — where Webster thundered and Longfellow sung, Emerson thought, and Channing preached — here in the cradle of American letters and almost of American liberty, I hasten to make the obeisance that every American owes New England when first he stands uncovered in her mighty presence. Strange apparition! This stern and unique figure, carved from the ocean and the wilderness, its majesty kindling and growing amid the storms of winters and of wars, until, at last, the gloom was broken, its beauty disclosed in the tranquil sunshine, and the heroic workers rested at its base, while startled kings and emperors gazed and marveled that from the rude touch of this handful, cast on a bleak and unknown shore, should have come the embodied genius of human liberty! God bless the memory of those immortal workers — and prosper the fortunes of their living sons — and perpetuate the inspiration of their handiwork!

Two years ago, sir, I spoke some words in New York that caught the attention of the North. As I stand here to reiterate and emphasize, as I have done everywhere, every word I then uttered, — to declare that the sentiments I then avowed were universally approved in the South, — I realize that the confidence begotten by that speech is largely responsible for my presence here to-night. I should dishonor myself if I betrayed that confidence by uttering one insincere word, or by withholding one essential element of the truth. Apropos of this last, let me confess, Mr. President, — before the praise of New England has died on my lips, — that I believe the best product of her present life is the procession of seventeen thousand Vermont Democrats that for twenty-two years, undiminished by death, unrecruited by birth or conversion, have marched over their rugged hills, cast their Democratic ballots, and gone back home to pray for their unregenerate neighbors and awake to read the record of twenty-six thousand Republican majority. May the God of the helpless and heroic help them, and may their sturdy tribe increase!

Far to the South, Mr. President, separated by a line,—once defined in irrepressible difference, once traced in fratricidal blood, and now, thank God, but a vanishing shadow,—lies the fairest and richest domain of this earth. It is the home of a brave and hospitable people. There is centred all that can please or prosper human kind. A perfect climate above a fertile soil, yields to the husbandman every product of the temperate zone. There, by night, the cotton whitens beneath the stars, and by day the wheat locks the sunshine in its bearded sheaf. In the same field the clover steals the fragrance of the wind, and tobacco catches the quick aroma of the rains. There are mountains stored with exhaustless treasures; forests vast and primeval, and rivers that, tumbling or loitering, run wanton to the sea. Of the three essential items of all industries,—cotton, iron, and wood,—that region has easy control. In cotton, a fixed monopoly; in iron, proven supremacy; in timber, the reserve supply of the Republic. From this assured and permanent advantage, against which artificial conditions cannot long prevail, has grown an amazing system of industries. Not maintained by human contrivance of tariff or capital, afar off from the fullest and cheapest source of supply, but resting in Divine assurance, within touch of field and mine and forest,—not set amid bleak hills and costly farms from which competition has driven the farmer in despair, but amid cheap and sunny lands, rich with agriculture, to which neither season nor soil has set a limit,—this system of industries is mounting to a splendor that shall dazzle and illumine the world. That, sir, is the picture and the promise of my home—a land better and fairer than I have told you, and yet but a fit setting, in its material excellence, for the loyal and gentle quality of its citizenship. Against that, sir, we have New England recruiting the Republic from its sturdy loins, shaking from its over-crowded hives new swarms of workers, and touching this land all over with its energy and its courage. And yet—while in the Eldorado, of which I have told you, but fifteen per cent. of lands are cultivated, its mines scarcely touched, and its population so scant that, were it set equidistant, the sound of the human voice could not be heard from Virginia to Texas—while on the threshold of nearly every house in New England stands a son, seeking with troubled eyes some new land in which to carry his modest patrimony, and the homely training that is better than gold—the strange fact remains that in 1880 the

South had fewer Northern-born citizens than she had in 1870— fewer in 1870 than in 1860. Why is this? Why is it, sir, though the sectional line be now but a mist that the breath may dispel, fewer men of the North have crossed it over to the South than when it was crimson with the best blood of the Republic, or even when the slaveholder stood guard every inch of its way?

There can be but one answer. It is the very problem we are now to consider. The key that opens that problem will unlock to the world the fairest half of this Republic, and free the halted feet of thousands whose eyes are already kindling with its beauty. Better than this, it will open the hearts of brothers for thirty years estranged, and clasp in lasting comradeship a million hands now withheld in doubt. Nothing, sir, but this problem and the suspicions it breeds, hinders a clear understanding and a perfect union. Nothing else stands between us and such love as bound Georgia and Massachusetts at Valley Forge and Yorktown, chastened by the sacrifice of Manassas and Gettysburg, and illumined with the coming of better work and a nobler destiny than was ever wrought by the sword or sought at the cannon's mouth.

If this does not invite your patient hearing to-night,—hear one thing more: My people, your brothers in the South,—brothers in blood, in destiny, in all that is best in our past and future,—are so beset with this problem that their very existence depends on its right solution. Nor are they wholly to blame for its presence. The slave ships of the Republic sailed from your ports,—the slaves worked in our fields. You will not defend the traffic, nor I the institution. But I do here declare that in its wise and humane administration, in lifting the slave to the heights of which he had not dreamed in his savage home, and giving him a happiness he has not yet found in freedom, our fathers left their sons a saving and excellent heritage. In the storm of war this institution was lost. I thank God as heartily as you do that human slavery is gone forever from American soil. But the freed man remains, and with him a problem without precedent or parallel. Note its appalling conditions. Two utterly dissimilar races on the same soil,—with equal political and civil rights,—almost equal in numbers, but terribly unequal in intelligence and responsibility,—each pledged against fusion,—one for a century in servitude to the other, and freed at last by a desolating war,—the experiment sought by neither, but approached by both with doubt—these are the conditions. Under these, adverse at every

point, we are required to carry these two races in peace and honor to the end.

Never, sir, has such a task been given to mortal stewardship. Never before in this Republic has the white race divided on the rights of an alien race. The red man was cut down as a weed, because he hindered the way of the American citizen. The yellow man was shut out of this Republic because he is an alien and an inferior. The red man was owner of the land — the yellow man highly civilized and assimilable — but they hindered both sections and are gone! But the black man, clothed with every privilege of government, affecting but one section, is pinned to the soil, and my people commanded to make good at any hazard, and at any cost, his full and equal heirship of American privilege and prosperity. It matters not that every other race has been routed or excluded, without rhyme or reason. It matters not that wherever the whites and blacks have touched, in any era or any clime, there has been irreconcilable violence. It matters not that no two races, however similar, have ever lived anywhere, at any time, on the same soil, with equal rights, in peace! In spite of these things, we are commanded to make good this change of American policy which has not, perhaps, changed American prejudice — to make certain here what has elsewhere been impossible between whites and blacks — and to reverse, under the very worst conditions, the universal verdict of racial history. And we are driven, sir, to this superhuman task with an impatience that brooks no delay, a rigor that accepts no excuse, and a suspicion that discourages frankness and sincerity. We do not shrink from this trial. It is so interwoven with our industrial fabric, that we cannot disentangle it if we would — so bound up in our honorable obligation to the world, that we would not if we could. Can we solve it? The God who gave it into our hands alone can know. But this, the weakest and wisest of us do know; we cannot solve it with less than your tolerant and patient sympathy — with less than the knowledge that the blood that runs in your veins is our blood — and that, when we have done our best, whether the issue be lost or won, we shall feel your strong arms about us and hear the beating of your approving hearts!

The resolute, clear-headed, broad-minded men of the South — the men whose genius made glorious every page of the first seventy years of American history — whose courage and fortitude

you tested in five years of the fiercest war — whose energy has made bricks without straw and spread splendor amid the ashes of their war-wasted homes — these men wear this problem in their hearts and their brains, by day and by night. They realize, as you cannot, what this problem means — what they owe to this kindly and dependent race — the measure of their debt to the world in whose despite they defended and maintained slavery. And though their feet are hindered in its undergrowth, and their march cumbered with its burdens, they have lost neither the patience from which comes clearness, nor the faith from which comes courage. Nor, sir, when in passionate moments is disclosed to them that vague and awful shadow, with its lurid abysses and its crimson stains, into which, I pray God, they may never go, are they struck with more of apprehension than is needed to complete their consecration!

Such is the temper of my people. But what of the problem itself? Mr. President, we need not go one step further unless you concede right here that the people I speak for are as honest, as sensible, and as just as your people, and seeking as earnestly as you would in their place, to rightly solve a problem that touches them at every vital point. If you insist that they are ruffians, blindly striving with bludgeon and shotgun to plunder and oppress a race, then I shall tax your patience in vain. But admit that they are men of common sense and common honesty, — wisely modifying an environment they cannot wholly disregard, — guiding and controlling as best they can the vicious and irresponsible of either race, — compensating error with frankness, and retrieving in patience what they lose in passion, and conscious all the time that wrong means ruin, — admit this, and we may reach an understanding to-night.

The President of the United States, in his late message to Congress, discussing the plea that the South should be left to solve this problem, asks: "Are they at work upon it? What solution do they offer? When will the black man cast a free ballot? When will he have the civil right that is his?" I shall not here protest against a partisanry that for the first time in our history, in time of peace, has stamped, with the great seal of our Government, a stigma upon the people of a great loyal section; though I gratefully remember that the great dead soldier who held the helm of State for the eight stormiest years of reconstruction never found need for such a step, — and though I can

think of no personal sacrifice I would not make to remove this cruel and unjust imputation on my people from the archives of my country.

But, sir, backed by a record on every page of which is progress, I venture to make earnest and respectful answer to the questions that are asked. I bespeak your patience, while with rigorous plainness of speech, seeking your judgment rather than your applause, I proceed step by step.

We give to the world this year a crop of 7,500,000 bales of cotton worth $450,000,000, and its cash equivalent in grain, grasses, and fruit. This enormous crop could not have come from the hands of sullen and discontented labor. It comes from the peaceful fields in which laughter and gossip rise above the hum of industry, and contentment runs with the singing plow. It is claimed that this ignorant labor is defrauded of its just hire. I present the tax books of Georgia, which show that the negro, twenty-five years ago a slave, has in Georgia alone $10,000,000 of assessed property, worth twice that much. Does not that record honor him and vindicate his neighbors? What other people, penniless and illiterate, has done so well.

For every "Afro-American" agitator, stirring the strife in which alone he prospers, I can show you a hundred negroes, happy in their cabin homes, tilling their own land by day, and at night taking from the lips of their children the helpful message their State sends them from the schoolhouse door.

And the schoolhouse itself bears testimony. In Georgia we added last year $250,000 to the school fund, making a total of more than $1,000,000, and yet 49 per cent. of the beneficiaries are black children — and this in face of the doubt of many wise men if education helps, or can help, our problem. Charleston, with her taxable values cut half in two since 1860, pays more in proportion for public schools than Boston. Although it is easier to give much out of much than little out of little, the South, with one-seventh of the taxable property of the country, with a relatively larger debt, having received only one-tenth as much of public lands, and having back of its tax books none of the half billion of bonds that enrich the North, yet gives nearly one-sixth of the public-school fund. The South, since 1865, has spent $122,000,000 in education, and this year is pledged to $37,000,000 more for State and city schools — although the blacks, paying one-thirtieth of the taxes, get nearly one-half of the fund.

Go into our fields and see whites and blacks working side by side. On our buildings in the same squad. In our shops at the same forge. Often the blacks crowd the whites from work, or lower wages by their greater need or simpler habits, and yet are permitted to do so because we want to bar them from no avenue in which their feet are fitted to tread. They could not there be elected orators of white universities, as they have been here, but they do enter there a hundred useful trades that are closed against them here. We hold it better and wiser to tend the weeds in the garden than to water the exotic in the window. In the South there are negro lawyers, teachers, editors, dentists, doctors, preachers, working in peace and multiplying with the increasing ability of their race to support them. In villages and towns they have their military companies equipped from the armories of the State, their churches and societies built and supported largely by their neighbors. What is the testimony of the courts?

In penal legislation we have steadily reduced felonies to misdemeanors, and have led the world in mitigating punishment for crime, that we might save, as far as possible, this dependent race from its own weakness. In our penitentiary record 60 per cent. of the prosecutors are negroes, and in every court the negro criminal challenges the colored juror, that white men may judge his case. In the North, one negro in every one hundred and eighty-five is in jail; in the South only one in four hundred and forty-six. In the North, the percentage of negro prisoners is six times as great as that of native whites; in the South, only four times as great. If prejudice wrong him in Southern courts, the record shows it to be deeper in Northern courts. I assert here, and a bar as intelligent and upright as the bar of Massachusetts will solemnly indorse my assertion, that in the Southern courts, from highest to lowest, in pleading for either liberty or property, the negro has distinct advantage because he is a negro, apt to be overreached, oppressed — and that this advantage reaches from the juror in making his verdict to the judge in measuring his sentence. Now, Mr. President, can it be seriously maintained that we are terrorizing the people from whose willing hands come every year $1,000,000,000 of farm crops, or have robbed a people who, in twenty-five years from unrewarded slavery, have amassed in one State $20,000,000 of property? Or that we intend to oppress the people we are arm-

ing every day? We "deceive" them, when we are educating them to the utmost limit of our ability? Or "outlaw" them, when we work side by side with them? Or "re-enslave" them under legal forms, when for their benefit we have even imprudently narrowed the limit of felonies and mitigated the severity of the law? My fellow-countrymen, as you yourselves may sometimes have to appeal at the bar of human judgment for justice and for right, give to my people to-night the fair and unanswerable conclusion of these incontestable facts!

But it is claimed that under this fair-seeming there is disorder and violence. This I admit. And there will be until there is one ideal community on earth after which we may pattern. But how widely is it misjudged. It is hard to measure with exactness whatever touches the negro. His helplessness, his isolation, his century of servitude, these dispose us to emphasize and magnify his wrongs. This disposition has been inflamed by prejudice and partisanry until it has led to injustice and delusion. Lawless men may ravage a county in Iowa, and it is accepted as an incident. In the South a drunken row is declared to be the fixed habit of the community. Regulators may whip vagabonds in Indiana by platoons, and it scarcely arrests attention; a chance collision in the South among relatively the same classes is gravely accepted as evidence that one race is destroying the other. We might as well claim that the Union was ungrateful to the colored soldiers who followed its flag, because a Grand Army post in Connecticut closed its doors to a negro veteran, as for you to give racial significance to every incident in the South, or to accept exceptional grounds as the rule of our society. I am not of those who becloud American honor with the parade of the outrages of other sections, and belie American character by declaring them to be significant and representative. I prefer to maintain that they are neither, and stand for nothing but the passion and sin of our fallen humanity. If society, like a machine, were no stronger than its weakest part, I should despair of both sections. But, knowing that society, sentient and responsible in every fiber, can mend and repair until the whole has the strength of the best, I despair of neither. These gentlemen who come with me here, knit into Georgia's busy life as they are, never saw, I dare assert, an outrage committed on a negro! And if they did, no one of you would be swifter to prevent or punish it. It is through them and the men who think with them

— making nine-tenths of every Southern community — that these two races have been carried thus far with less of violence than would have been possible anywhere else on earth. And in their fairness and courage and steadfastness — more than in all the laws that can be passed or all the bayonets that can be mustered — is the hope of our future!

But admitting the right of the whites to unite against this tremendous menace, we are challenged with the smallness of our vote. This has long been flippantly charged to be evidence, and has now been solemnly and officially declared to be proof of political turpitude and baseness on our part. Let us see: Virginia — a State now under fierce assault for this alleged crime — cast, in 1888, 75 per cent. of her vote. Massachusetts, the State in which I speak, 60 per cent. of her vote. Was it suppression in Virginia and natural causes in Massachusetts? Last month Virginia cast 60 per cent. of her vote, and Massachusetts, fighting in every district, cast only 49 per cent. of hers. If Virginia is condemned because 31 per cent. of her vote was silent, how shall this State escape, in which 51 per cent. was dumb? Let us enlarge this comparison. The sixteen Southern States in 1888 cast 67 per cent. of their total vote; the six New England States but 63 per cent. of theirs. By what fair rule shall the stigma be put upon one section, while the other escapes? A congressional election in New York last week, with the polling place in reach of every voter, brought out only 6,000 votes of 28,000 — and the lack of opposition is assigned as the natural cause. In a district in my State in which an opposition speech has not been heard in ten years, and the polling places are miles apart, — under the unfair reasoning of which my section has been a constant victim, — the small vote is charged to be proof of forcible suppression.

In Virginia an average majority of 10,000, under hopeless division of the minority, was raised to 42,000. In Iowa, in the same election, a majority of 32,000 was wiped out and an opposition majority of 8,000 was established. The change of 42,000 votes in Iowa is accepted as political revolution; in Virginia an increase of 30,000 on a safe majority is declared to be proof of political fraud. I charge these facts and figures home, sir, to the heart and conscience of the American people who will not assuredly see one section condemned for what another section is pardoned!

If I can drive these facts through the prejudice of the partisan, and have them read and pondered at the fireside of the citizen, I will rest on the judgment there formed and the verdict there rendered!

It is deplorable, sir, that in both sections a larger percentage of the vote is not regularly cast. But it is more inexplicable that this should be so in New England, than in the South. What invites the negro to the ballot box? He knows that of all men, it has promised him most and yielded him least. His first appeal to suffrage was the promise of "forty acres and a mule." His second, the threat that Democratic success meant his reenslavement. Both have been proved false in his experience. He looked for a home, and he got the Freedmen's Bank. He fought under promise of the loaf, and in victory was denied the crumbs. Discouraged and deceived, he has realized at last that his best friends are his neighbors with whom his lot is cast, and whose prosperity is bound up in his, and that he has gained nothing in politics to compensate the loss of their confidence and sympathy that is at last his best and enduring hope.

And so, without leaders or organization,—and lacking the resolute heroism of my party friends in Vermont, that makes their hopeless march over the hills a high and inspiring pilgrimage,—he shrewdly balances his little account with politics, touches up his mule, and jogs down the furrow, letting the mad world wag as it will!

The negro vote can never control in the South, and it would be well if partisans at the North would understand this. I have seen the white people of a State set about by black hosts until their fate seemed sealed. But, sir, some brave man, banding them together, would rise, as Elisha rose in beleagured Samaria, and, touching their eyes with faith, bid them look abroad to see the very air "filled with the chariots of Israel and the horsemen thereof." If there is any human force that cannot be withstood, it is the power of the banded intelligence and responsibility of a free community. Against it numbers and corruption cannot prevail. It cannot be forbidden in the law or divorced in force. It is the unalterable right of every free community—the just and righteous safeguard against an ignorant or corrupt suffrage. It is on this, sir, that we rely in the South. Not the cowardly menace of the mask or shotgun, but the peaceful majesty of intelligence and responsibility, massed and unified for the protec-

tion of its homes and the preservation of its liberty. That, sir, is our reliance and hope, and against it all the powers of earth shall not prevail. It was just as certain that Virginia would come back to the unchallenged control of her white race — that before the moral and material power of her people once more unified, opposition would crumble until its last desperate leader was left alone vainly striving to rally his disordered hosts — as that night should fade in the kindling glory of the sun.

You may pass force bills, but they will not avail. You may surrender your own liberties to Federal election laws,— this old State which holds in its charter the boast that it "is a free and independent Commonwealth" may deliver its election machinery into the hands of the Government it helped to create,— but never, sir, will a single State of this Union, North or South, be delivered again to the control of an ignorant and inferior race. We wrested our State government from negro supremacy when the Federal drum-beat rolled closer to the ballot box and Federal bayonets hedged it deeper about than will ever again be permitted in this free Government. But, sir, though the cannon of this Republic thundered in every voting district at the South, we still should find in the mercy of God the means and the courage to prevent its re-establishment.

I regret, sir, that my section, hindered with this problem, cannot align itself with the North, and stands in seeming estrangement from it. If, sir, any man will point out to me a path down which the white people of the South, divided, may walk in peace and honor, I will take that path, though I took it alone, for at its end, and nowhere else, I fear, is to be found the full prosperity of my section and the full restoration of this Union. But, sir, if the negro had not been enfranchised, the South would have been divided and the Republic united. His enfranchisement,— against which I enter no protest,— holds the South united and compact. What solution can we offer for the problem? Time alone can disclose it to us. We simply report progress, and ask your patience. If the problem be solved at all,— and I firmly believe it will, though nowhere else has it been,— it will be solved by the people most deeply bound in interest, most deeply pledged in honor to its solution. I would rather see my people render back this question rightly solved than to see them gather all the spoils over which faction has contended since Catiline conspired and Cæsar fought. Meantime, we treat the

negro fairly, measuring to him justice in the fullness the strong should give to the weak, and leading him in the steadfast ways of citizenship, that he may no longer be the prey of the unscrupulous and the sport of the thoughtless. We open to him every pursuit in which he can prosper, and seek to broaden his training and capacity. We seek to hold his confidence and friendship, and to pin him to the soil with ownership, that he may catch in the fire of his own hearthstone that sense of responsibility the shiftless can never know.

And we gather him into that alliance of property and knowledge that, though it runs close to racial lines, welcomes the responsible and intelligent of any race. By this course, confirmed in our judgment, and justified in the progress already made, we hope to progress slowly but surely to the end.

The love we feel for that race you cannot measure nor comprehend. As I attest it here, the spirit of my old "black mammy," from her home up there, looks down on me to bless, and through the tumult of this night, steals the sweet music of her croonings. Thirty years ago she held me in her black arms or led me smiling in to sleep. This scene vanishes as I speak, and I catch a vision of an old Southern home with its lofty pillars and its white pigeons fluttering down through the golden air. I see women with strained and anxious faces, and children alert, yet helpless. I see night come down with its dangers and its apprehensions, and in a big and homely room I feel on my tired head the touch of loving hands,— now worn and wrinkled, but fairer to me yet than the hands of mortal woman, and stronger yet to lead me than the hands of mortal man,— as they lay a mother's blessing there, while at her knees,— the truest altar I yet have found, — I thank God that she is safe in her sanctuary, because her slaves, sentinel in the silent cabin, or on guard at her chamber door, put a black man's loyalty between her and danger.

I catch another vision. The crisis of battle — a soldier struck, staggering, fallen. I see a slave, struggling through the smoke, winding his black arms about the fallen form, reckless of lurking death — bending his trusty face to catch the words that tremble on the stricken lips, so wrestling meantime with agony that he would lay down his life in his master's stead. I see him by the weary bedside, ministering with uncomplaining patience, praying with all his humble heart that God will lift his master up, until death comes in mercy and in honor to still the soldier's agony

and seal the soldier's life. I see him by the open grave, mute, motionless, uncovered, suffering for the death of him who in life fought against his freedom. I see him, when the mound is heaped and the great drama of his life is closed, turn away and, with downcast eyes and uncertain step, start out into new and strange fields, faltering, struggling, but moving on, until his shambling figure is lost in the light of a better and a brighter day. And from the grave comes a voice saying: "Follow him! Put your arms about him in his need, even as he put his about me. Be his friend as he was mine." And out into this new world — strange to me as to him, dazzling, bewildering both — I follow! And may God forget my people — when they forget these!

Whatever the future may hold for them — whether they plod along in the servitude from which they have never been lifted since the Cyrenian was laid hold upon by the Roman soldiers and made to bear the cross of the fainting Christ — whether they find homes again in Africa, and thus hasten the prophecy of the Psalmist who said: "And suddenly Ethiopia shall hold out her hands unto God" — whether forever dislocated and separate, they remain a weak people, beset by stronger, and exist, as the Turk, who lives in the jealousy, rather than in the conscience of Europe — or whether in this miraculous Republic they break through the caste of twenty centuries and, belying universal history, reach the full stature of citizenship and in peace maintain it, we shall give them uttermost justice and abiding friendship. And whatever we do, into whatever seeming estrangement we may be driven, nothing shall disturb the love we bear this Republic, or mitigate our consecration to its service. I stand here, Mr. President, to profess no new loyalty. When General Lee, whose heart was the temple of our hopes and whose arm was clothed with our strength, renewed his allegiance to this government at Appomattox, he spoke from a heart too great to be false, and he spoke for every honest man from Maryland to Texas. From that day to this, Hamilcar has nowhere in the South sworn young Hannibal to hatred and vengeance — but everywhere to loyalty and love. Witness the veteran standing at the base of a Confederate monument, above the graves of his comrades, his empty sleeve tossing in the April wind, adjuring the young men about him to serve as honest and loyal citizens the Government against which their fathers fought. This message, delivered from

that sacred presence, has gone home to the hearts of my fellows! And, sir, I declare here, if physical courage be always equal to human aspiration, that they would die, sir, if need be, to restore this Republic their fathers fought to dissolve!

Such, Mr. President, is this problem as we see it, such the temper in which we approach it, such the progress made. What do we ask of you? First, patience; out of this alone can come perfect work. Second, confidence; in this alone can you judge fairly. Third, sympathy; in this you can help us best. Fourth, loyalty to the Republic — for there is sectionalism in loyalty as in estrangement. This hour little needs the loyalty that is loyal to one section, and yet holds the other in enduring suspicion and estrangement. Give us the broad and perfect loyalty that loves and trusts Georgia alike with Massachusetts — that "knows no South, no North, no East, no West"; but endears with equal and patriotic love every foot of our soil, every State of our Union.

A mighty duty, sir, and a mighty inspiration impels every one of us to-night to lose in patriotic consecration whatever estranges, whatever divides. We, sir, are Americans — and we fight for human liberty! The uplifting force of the American idea is under every throne on earth. France, Brazil — these are our victories. To redeem the earth from kingcraft and oppression — this is our mission! and we shall not fail. God has sown in our soil the seed of his millennial harvest, and he will not lay the sickle to the ripening crop until his full and perfect day has come. Our history, sir, has been a constant and expanding miracle from Plymouth Rock and Jamestown all the way — aye, even from the hour when, from the voiceless and trackless ocean, a new world rose to the sight of the inspired sailor. As we approach the fourth centennial of that stupendous day,— when the old world will come to marvel and to learn, amid our gathered pleasures,— let us resolve to crown the miracles of our past with the spectacle of a republic compact, united, indissoluble in the bonds of love — loving from the Lakes to the Gulf — the wounds of war healed in every heart as on every hill — serene and resplendent at the summit of human achievement and earthly glory — blazing out the path and making clear the way up which all the nations of the earth must come in God's appointed time!

HENRY GRATTAN

(1746–1820)

"No British orator except Chatham," says Mr. Lecky, in writing of Grattan, "had an equal power of firing an educated audience with an intense enthusiasm, or of animating and inspiring a nation. No British orator, except Burke, had an equal power of sowing his speeches with profound aphorisms, and associating transient questions with eternal truths. His thoughts naturally crystallized into epigrams; his arguments were condensed with such admirable force and clearness that they assumed almost the appearance of axioms, and they were often interspersed with sentences of concentrated poetic beauty which flashed upon the audience with all the force of sudden inspiration."

Of his speech of April 19th, 1780, 'Liberty as an Inalienable Right,' it has been said that "nothing equal to it had ever before been heard in Ireland, nor, probably, was its superior ever delivered in the English House of Commons. Other speeches may have matched it in argument and information, but in startling energy and splendor of style it surpassed them all."

Grattan is called a "born orator," in contradistinction to those who acquire oratorical facility as a habit by careful study. But with what seems to have been an extraordinary natural "ear" for the music of language, he improved it by careful study, developing his powers, that he might make himself the organ of liberty and progress for his countrymen. It was for this, rather than for the music of his words, that Byron, though himself a great musician through his mastery of the melody of language, wrote of him:—

> "Ever glorious Grattan, the best of the good,
> So simple in heart, so sublime in the rest;
> With all that Demosthenes wanted, endued,
> And his rival or victor in all he possessed!"

Grattan was born at Dublin, July 3d, 1746, and educated at Trinity College, Dublin, and the Middle Temple, London. He studied Bolingbroke and the 'Letters of Junius,' as models of oratorical style, but took Chatham as a master, after hearing one of his speeches. His progress was slow, as his voice was defective, his figure awkward, and his delivery repellant, but he overcame all his defects, and entering

the Irish Parliament in 1775, three years after his admission to the bar, he soon vindicated his right to leadership. In 1782 the repeal of "Poynings's Law," brought about through his efforts, restored the independence of the Irish Parliament, and linked his name forever with Irish aspiration for national existence. After the act of legislative union with England, the adoption of which against his strenuous opposition pained him deeply, he was elected to the Imperial Parliament in 1806. He led the fight against religious proscription, and until his death in London, June 4th, 1820, did all that genius and patriotism could do for the progress of Ireland.

AGAINST ENGLISH IMPERIALISM

(Delivered in the Irish Parliament, April 19th, 1780, on First Moving "The Declaration of Right")

SIR, I have entreated an attendance on this day that you might, in the most public manner, deny the claim of the British Parliament to make law for Ireland, and with one voice lift up your hands against it.

If I had lived when the 9th of William took away the woolen manufacture, or when the 6th of George I. declared this country to be dependent and subject to laws to be enacted by the Parliament of England, I should have made a covenant with my own conscience to seize the first moment of rescuing my country from the ignominy of such acts of power; or, if I had a son, I should have administered to him an oath that he would consider himself a person separate and set apart for the discharge of so important a duty; upon the same principle I am now come to move a Declaration of Right, the first moment occurring, since my time, in which such a declaration could be made with any chance of success, and without aggravation of oppression.

Sir, it must appear to every person that, notwithstanding the import of sugar and export of woolens, the people of this country are not satisfied — something remains; the greater work is behind; the public heart is not well at ease. To promulgate our satisfaction; to stop the throats of millions with the votes of Parliament; to preach homilies to the volunteers; to utter invectives against the people, under pretense of affectionate advice, is an attempt, weak, suspicious, and inflammatory.

You cannot dictate to those whose sense you are intrusted to represent; your ancestors, who sat within these walls, lost to Ireland trade and liberty; you, by the assistance of the people, have recovered trade; you still owe the kingdom liberty; she calls upon you to restore it.

The ground of public discontent seems to be: "We have gotten commerce, but not freedom": the same power which took away the export of woolens and the export of glass may take them away again; the repeal is partial, and the ground of repeal is upon a principle of expediency.

Sir, "expedient" is a word of appropriated and tyrannical import; "expedient" is an ill-omened word, selected to express the reservation of authority, while the exercise is mitigated; "expedient" is the ill-omened expression of the Repeal of the American Stamp Act. England thought it "expedient" to repeal that law; happy had it been for mankind, if, when she withdrew the exercise, she had not reserved the right! To that reservation she owes the loss of her American empire, at the expense of millions, and America the seeking of liberty through a sea of bloodshed. The repeal of the Woolen Act, similarly circumstanced, pointed against the principle of our liberty,—a present relaxation, but tyranny in reserve,—may be a subject for illumination to a populace, or a pretense for apostasy to a courtier, but cannot be the subject of settled satisfaction to a freeborn, intelligent, and injured community. It is therefore they consider the free trade as a trade *de facto*, not *de jure;* as a license to trade under the Parliament of England, not a free trade under the charters of Ireland;—as a tribute to her strength to maintain which she must continue in a state of armed preparation, dreading the approach of a general peace, and attributing all she holds dear to the calamitous condition of the British interest in every quarter of the globe. This dissatisfaction, founded upon a consideration of the liberty we have lost, is increased when they consider the opportunity they are losing; for if this nation, after the death-wound given to her freedom, had fallen on her knees in anguish, and besought the Almighty to frame an occasion in which a weak and injured people might recover their rights, prayer could not have asked, nor God have furnished, a moment more opportune for the restoration of liberty, than this, in which I have the honor to address you.

England now smarts under the lesson of the American War; the doctrine of Imperial legislature she feels to be pernicious; the revenues and monopolies annexed to it she has found to be untenable; she lost the power to enforce it; her enemies are a host, pouring upon her from all quarters of the earth; her armies are dispersed; the sea is not hers; she has no minister, no ally, no admiral, none in whom she long confides, and no general whom she has not disgraced; the balance of her fate is in the hands of Ireland; you are not only her last connection, you are the only nation in Europe that is not her enemy. Besides, there does, of late, a certain damp and spurious supineness overcast her arms and councils, miraculous as that vigor which has lately inspirited yours; — for with you everything is the reverse; never was there a Parliament in Ireland so possessed of the confidence of the people; you are the greatest political assembly now sitting in the world; you are at the head of an immense army; nor do we only possess an unconquerable force, but a certain unquenchable public fire, which has touched all ranks of men like a visitation.

Turn to the growth and spring of your country, and behold and admire it; where do you find a nation who, upon whatever concerns the rights of mankind, expresses herself with more truth or force, perspicuity or justice? not the set phrase of scholastic men, not the tame unreality of court addresses, not the vulgar raving of a rabble, but the genuine speech of liberty, and the unsophisticated oratory of a free nation.

See her military ardor, expressed, not only in forty thousand men, conducted by instinct as they were raised by inspiration, but manifested in the zeal and promptitude of every young member of the growing community. Let corruption tremble; let the enemy, foreign or domestic, tremble; but let the friends of liberty rejoice at these means of safety and this hour of redemption. Yes; there does exist an enlightened sense of rights, a young appetite for freedom, a solid strength, and a rapid fire, which not only put a declaration of right within your power, but put it out of your power to decline one. Eighteen counties [illegible] at your bar; they stand there with the compact of Henry, with the charter of John, and with all the passions of the people. "Our lives are at your service, but our liberties — we received them from God; we will not resign them to man." Speaking to you thus, if

you repulse these petitioners, you abdicate the privileges of Parliament, forfeit the rights of the kingdom, repudiate the instruction of your constituents, bilge the sense of your country, palsy the enthusiasm of the people, and reject that good which not a minister, not a Lord North, not a Lord Buckinghamshire, not a Lord Hillsborough, but a certain providential conjuncture, or, rather, the hand of God, seems to extend to you. Nor are we only prompted to this when we consider our strength; we are challenged to it when we look to Great Britain. The people of that country are now waiting to hear the Parliament of Ireland speak on the subject of their liberty; it begins to be made a question in England whether the principal persons wish to be free; it was the delicacy of former Parliaments to be silent on the subject of commercial restrictions, lest they should show a knowledge of the fact, and not a sense of the violation; you have spoken out, you have shown a knowledge of the fact, and not a sense of the violation. On the contrary, you have returned thanks for a partial repeal made on a principle of power; you have returned thanks as for a favor, and your exultation has brought your charters, as well as your spirit, into question, and tends to shake to her foundation your title to liberty; thus you do not leave your rights where you found them. You have done too much not to do more; you have gone too far not to go on; you have brought yourselves into that situation in which you must silently abdicate the rights of your country, or publicly restore them. It is very true you may feed your manufacturers, and landed gentlemen may get their rents, and you may export woolen, and may load a vessel with baize, serges, and kerseys, and you may bring back again directly from the plantations sugar, indigo, speckle-wood, beetle-root, and panellas. But liberty, the foundation of trade, the charters of the land, the independency of Parliament, the securing, crowning, and the consummation of everything are yet to come. Without them the work is imperfect, the foundation is wanting, the capital is wanting, trade is not free, Ireland is a colony without the benefit of a charter, and you are a provincial synod without the privileges of a Parliament.

I read Lord North's proposition; I wish to be satisfied, but I am controlled by a paper — I will not call it a law — it is the 6th of George I. [The paper was read.] I will ask the gentlemen of the long robe: Is this the law? I ask them whether it is not

practice. I appeal to the judges of the land whether they are not in a course of declaring that the Parliament of Great Britain, naming Ireland, binds her. I appeal to the magistrates of justice whether they do not, from time to time, execute certain acts of the British Parliament. I appeal to the officers of the army whether they do not fine, confine, and execute their fellow-subjects by virtue of the Mutiny Act, an act of the British Parliament; and I appeal to this House whether a country so circumstanced is free. Where is the freedom of trade? Where is the security of property? Where is the liberty of the people? I here, in this Declamatory Act, see my country proclaimed a slave! I see every man in this House enrolled a slave! I see the judges of the realm, the oracles of the law, borne down by an unauthorized foreign power, by the authority of the British Parliament against the law! I see the magistrates prostrate, and I see Parliament witness of these infringements, and silent — silent or employed to preach moderation to the people, whose liberties it will not restore! I therefore say, with the voice of three million people, that, notwithstanding the import of sugar, beetle-wood, and panellas, and the export of woolens and kerseys, nothing is safe, satisfactory, or honorable, nothing except a declaration of right. What! are you, with three million men at your back, with charters in one hand and arms in the other, afraid to say you are a free people? Are you, the greatest House of Commons that ever sat in Ireland, that want but this one act to equal that English House of Commons that passed the Petition of Right, or that other that passed the Declaration of Right,— are you afraid to tell that British Parliament you are a free people? Are the cities and the instructing counties, who have breathed a spirit that would have done honor to old Rome when Rome did honor to mankind — are they to be free by connivance? Are the military associations, those bodies whose origin, progress, and deportment have transcended, or equaled at least, anything in modern or ancient story — is the vast line of the northern army,— are they to be free by connivance? What man will settle among you? Where is the use of the Naturalization Bill? What man will settle among you? who will leave a land of liberty and a settled government for a kingdom controlled by the Parliament of another country, whose liberty is a thing by stealth, whose trade a thing by permission, whose judges deny her charters, whose Parliament leaves every-

thing at random; where the chance of freedom depends upon the hope that the jury shall despise the judge stating a British act, or a rabble stop the magistrate executing it, rescue your abdicated privileges, and save the Constitution by trampling on the Government,—by anarchy and confusion!

But I shall be told that these are groundless jealousies, and that the people of the principal cities, and more than one-half of the counties of the Kingdom, are misguided men, raising those groundless jealousies. Sir, let me become, on this occasion, the people's advocate, and your historian; the people of this country were possessed of a code of liberty similar to that of Great Britain, but lost it through the weakness of the Kingdom and the pusillanimity of its leaders. Having lost our liberty by the usurpation of the British Parliament, no wonder we became a prey to her ministers; and they did plunder us with all the hands of all the harpies, for a series of years, in every shape of power, terrifying our people with the thunder of Great Britain, and bribing our leaders with the rapine of Ireland. The Kingdom became a plantation; her Parliament, deprived of its privileges, fell into contempt; and, with the legislature, the law, the spirit of liberty, with her forms vanished. If a war broke out, as in 1778, and an occasion occurred to restore liberty and restrain rapine, Parliament declined the opportunity; but, with an active servility and trembling loyalty, gave and granted, without regard to the treasure we had left, or the rights we had lost. If a partial reparation was made upon a principle of expediency, Parliament did not receive it with the tranquil dignity of an august assembly, but with the alacrity of slaves.

The principal individuals, possessed of great property but no independency, corrupted by their extravagance, or enslaved by their following a species of English factor against an Irish people, more afraid of the people of Ireland than the tyranny of England, proceeded to that excess, that they opposed every proposition to lessen profusion, extend trade, or promote liberty; they did more, they supported a measure which, at one blow, put an end to all trade; they did more, they brought you to a condition which they themselves did unanimously acknowledge a state of impending ruin; they did this, talking as they are now talking, arguing against trade as they now argue against liberty, threatening the people of Ireland with the power of the British

nation, and imploring them to rest satisfied with the ruins of their trade, as they now implore them to remain satisfied with the wreck of their Constitution.

The people thus admonished, starving in a land of plenty, the victim of two Parliaments, of one that stopped their trade, the other that fed on their Constitution, inhabiting a country where industry was forbidden, or towns swarming with begging manufacturers, and being obliged to take into their own hands that part of government which consists in protecting the subject, had recourse to two measures, which, in their origin, progress, and consequence, are the most extraordinary to be found in any age or in any country, namely, a commercial and military association. The consequence of these measures was instant; the enemy that hung on your shores departed, the Parliament asked for a free trade, and the British nation granted the trade, but withheld the freedom. The people of Ireland are, therefore, not satisfied; they ask for a Constitution; they have the authority of the wisest men in this House for what they now demand. What have these walls for this last century resounded? The usurpation of the British Parliament, and the interference of the privy council. Have we taught the people to complain, and do we now condemn their insatiability, because they desire us to remove such grievances, at a time in which nothing can oppose them, except the very men by whom these grievances were acknowledged?

Sir, we may hope to dazzle with illumination, and we may sicken with addresses, but the public imagination will never rest, nor will her heart be well at ease — never! so long as the Parliament of England exercises or claims a legislation over this country: so long as this shall be the case, that very free trade, otherwise a perpetual attachment, will be the cause of new discontent; it will create a pride to feel the indignity of bondage; it will furnish a strength to bite your chain, and the liberty withheld will poison the good communicated.

The British minister mistakes the Irish character: had he intended to make Ireland a slave, he should have kept her a beggar; there is no middle policy; win her heart by the restoration of her right, or cut off the nation's right hand; greatly emancipate, or fundamentally destroy. We may talk plausibly to England, but so long as she exercises a power to bind this country, so long are the nations in a state of war; the claims of the one go against the liberty of the other, and the sentiments of the

latter go to oppose those claims to the last drop of her blood. The English opposition, therefore, are right; mere trade will not satisfy Ireland—they judge of us by other great nations, by the nation whose political life has been a struggle for liberty; they judge of us with a true knowledge of, and just deference for, our character—that a country enlightened as Ireland, chartered as Ireland, armed as Ireland, and injured as Ireland, will be satisfied with nothing less than liberty.

I admire that public-spirited merchant [Alderman Horan], who spread consternation at the Customhouse, and, despising the example which great men afforded, determined to try the question, and tendered for entry what the British Parliament prohibits the subject to export, some articles of silk, and sought at his private risk the liberty of his country; with him I am convinced it is necessary to agitate the question of right. In vain will you endeavor to keep it back; the passion is too natural, the sentiment is too irresistible; the question comes on of its own vitality! You must reinstate the laws!

There is no objection to this resolution, except fears; I have examined your fears; I pronounce them to be frivolous. I might deny that the British nation was attached to the idea of binding Ireland; I might deny that England was a tyrant at heart; and I might call to witness the odium of North and the popularity of Chatham, her support of Holland, her contributions to Corsica, and the charters communicated to Ireland; but ministers have traduced England to debase Ireland; and politicians, like priests, represent the power they serve as diabolical, to possess with superstitious fears the victim whom they design to plunder. If England is a tyrant, it is you have made her so; it is the slave that makes the tyrant, and then murmurs at the master whom he himself has constituted. I do allow, on the subject of commerce, England was jealous in the extreme, and I do say it was commercial jealousy, it was the spirit of monopoly (the woolen trade and the act of navigation had made her tenacious of a comprehensive legislative authority), and having now ceded that monopoly, there is nothing in the way of your liberty except your own corruption and pusillanimity; and nothing can prevent your being free except yourselves. It is not in the disposition of England; it is not in the interest of England; it is not in her arms. What! can 8,000,000 of Englishmen opposed to 20,000,000 of French, to 7,000,000 of Spanish, to 3,000,000 of Ameri-

cans, reject the alliance of 3,000,000 in Ireland? Can 8,000,000 of British men, thus outnumbered by foes, take upon their shoulders the expense of an expedition to enslave you? Will Great Britain, a wise and magnanimous country, thus tutored by experience and wasted by war, the French navy riding her Channel, send an army to Ireland, to levy no tax, to enforce no law, to answer no end whatsoever, except to spoliate the charters of Ireland and enforce a barren oppression? What! has England lost thirteen provinces? has she reconciled herself to this loss, and will she not be reconciled to the liberty of Ireland? Take notice that the very constitution which I move you to declare, Great Britain herself offered to America; it is a very instructive proceeding in the British history. In 1778 a commission went out, with powers to cede to the thirteen provinces of America, totally and radically, the legislative authority claimed over her by the British Parliament, and the commissioners, pursuant to their powers, did offer to all or any of the American States the total surrender of the legislative authority of the British Parliament. I will read you their letter to the Congress.

[Here the letter was read.]

What! has England offered this to the resistance of America, and will she refuse it to the loyalty of Ireland? Your fears, then, are nothing but a habitual subjugation of mind; that subjugation of mind which made you, at first, tremble at every great measure of safety; which made the principal men amongst us conceive the commercial association would be a war; that fear, which made them imagine the military association had a tendency to treason; which made them think a short money bill would be a public convulsion; and yet these measures have not only proved to be useful, but are held to be moderate, and the Parliament that adopted them, is praised, not for its unanimity only, but for its temper also. You now wonder that you submitted for so many years to the loss of the woolen trade and the deprivation of the glass trade; raised above your former abject state in commerce, you are ashamed at your past pusillanimity; so when you have summoned a boldness which shall assert the liberties of your country — raised by the act, and reinvested, as you will be, in the glory of your ancient rights and privileges, you will be surprised at yourselves, who have so long submitted to their violation. Moderation is but a relative term; for nations, like men,

are only safe in proportion to the spirit they put forth, and the proud contemplation with which they survey themselves. Conceive yourselves a plantation, ridden by an oppressive government, and everything you have done is but a fortunate frenzy; conceive yourselves to be what you are, a great, a growing, and a proud nation, and a declaration of right is no more than the safe exercise of your indubitable authority.

But, though you do not hazard disturbance by agreeing to this resolution, you do most exceedingly hazard tranquillity by rejecting it. Do not imagine that the question will be over when this motion shall be negatived. No; it will recur in a vast variety of shapes and diversity of places. Your constituents have instructed you in great numbers, with a powerful uniformity of sentiment, and in a style not the less awful because full of respect. They will find resources in their own virtue if they have found none in yours. Public pride and conscious liberty, wounded by repulse, will find ways and means of vindication. You are in that situation in which every man, every hour of the day, may shake the pillars of the State; every court may swarm with the question of right; every quay and wharf with prohibited goods; what shall the judges, what the commissioners, do upon this occasion? Shall they comply with the laws of Ireland, and against the claims of England, and stand firm where you have capitulated? Shall they, on the other hand, not comply, and shall they persist to act against the law? Will you punish them if they do so? Will you proceed against them for not showing a spirit superior to your own? On the other hand, will you not punish them? Will you leave liberty to be trampled on by those men? Will you bring them and yourselves, all constituted orders, executive power, judicial power, and parliamentary authority, into a state of odium, impotence, and contempt; transferring the task of defending public right into the hands of the populace, and leaving it to the judges to break the laws, and to the people to assert them? Such would be the consequence of false moderation, of irritating timidity, of inflammatory palliatives, of the weak and corrupt hope of compromising with the court before you have emancipated the country.

I have answered the only semblance of a solid reason against the motion; I will remove some of lesser pretenses, some minor impediments: for instance, first, that we have a resolution of the same kind already on our Journals, it will be said: But

how often was the great charter confirmed? Not more frequently than your rights have been violated. Is one solitary resolution, declaratory of your right, sufficient for a country, whose history, from the beginning unto the end, has been a course of violation? The fact is, every new breach is a reason for a new repair; every new infringement should be a new declaration, lest charters should be overwhelmed with precedents to their prejudice, a nation's right obliterated, and the people themselves lose the memory of their own freedom.

I shall hear of ingratitude; I name the argument to despise it and the men who make use of it; I know the men who use it are not grateful, they are insatiate; they are public extortioners, who would stop the tide of public prosperity and turn it to the channel of their own emolument; I know of no species of gratitude which should prevent my country from being free, no gratitude which should oblige Ireland to be the slave of England. In cases of robbery and usurpation, nothing is an object of gratitude except the thing stolen, the charter spoliated. A nation's liberty cannot, like her treasures, be meted and parceled out in gratitude; no man can be grateful or liberal of his conscience, nor woman of her honor, nor nation of her liberty; there are certain unimpartable, inherent, invaluable properties, not to be alienated from the person, whether body politic or body natural. With the same contempt do I treat that charge which says that Ireland is insatiable; saying that Ireland asks nothing but that which Great Britain has robbed her of, her rights and privileges; to say that Ireland will not be satisfied with liberty, because she is not satisfied with slavery, is folly. I laugh at that man who supposes that Ireland will not be content with a free trade and a free constitution; and would any man advise her to be content with less?

I shall be told that we hazard the modification of the Law of Poynings and the Judges' Bill, and the Habeas Corpus Bill, and the Nullum Tempus Bill; but I ask you, have you been for years begging for these little things, and have not you yet been able to obtain them? And have you been contending against a little body of eighty men in Privy Council assembled, convocating themselves into the image of a parliament, and ministering your high office? And have you been contending against one man, an humble individual, to you a Leviathan,—the English Attorney-General,—who advises in the case of Irish bills, and exercises

legislation in his own person, and makes your parliamentary deliberations a blank by altering your bills or suppressing them? And have you not yet been able to conquer this little monster? Do you wish to know the reason? I will tell you: because you have not been a parliament, nor your country a people! Do you wish to know the remedy?—be a parliament, become a nation, and these things will follow in the train of your consequence! I shall be told that titles are shaken, being vested by force of English acts; but in answer to that, I observe, time may be a title, acquiescence a title, forfeiture a title, but an English act of Parliament certainly cannot; it is an authority, which, if a judge would charge, no jury would find, and which all the electors in Ireland have already disclaimed unequivocally, cordially, and universally. Sir, this is a good argument for an act of title, but no argument against a declaration of right. My friend who sits above me [Mr. Yelverton] has a Bill of Confirmation; we do not come unprepared to Parliament. I am not come to shake property, but to confirm property and restore freedom. The nation begins to form; we are molding into a people; freedom asserted, property secured, and the army (a mercenary band) likely to be restrained by law. Never was such a revolution accomplished in so short a time, and with such public tranquillity. In what situation would those men who call themselves friends of constitution and of government have left you? They would have left you without a title, as they state it, to your estates,—without an assertion of your Constitution, or a law for your army; and this state of unexampled private and public insecurity, this anarchy raging in the kingdom for eighteen months, these mock moderators would have had the presumption to call "peace."

I shall be told that the judges will not be swayed by the resolution of this House. Sir, that the judges will not be borne down by the resolutions of Parliament, not founded in law, I am willing to believe; but the resolutions of this House, founded in law, they will respect most exceedingly. I shall always rejoice at the independent spirit of the distributers of the law, but must lament that hitherto they have given no such symptom. The judges of the British nation, when they adjudicated against the laws of that country, pleaded precedent and the prostration and profligacy of a long tribe of subservient predecessors, and were punished. The judges of Ireland if they should be called upon, and should plead sad necessity, the thraldom of the times, and,

above all, the silent fears of Parliament, they, no doubt, will be excused: but when your declarations shall have protected them from their fears; when you shall have emboldened the judges to declare the law according to the charter, I make no doubt they will do their duty; and your resolution, not making a new law, but giving new life to the old ones, will be secretly felt and inwardly acknowledged, and there will not be a judge who will not perceive, to the innermost recess of his tribunal, the truth of your charters and the vigor of your justice.

The same laws, the same charters, communicate to both kingdoms, Great Britain and Ireland, the same rights and privileges; and one privilege above them all is that communicated by Magna Charta, by the 25th of Edward III., and by a multitude of other statutes, "not to be bound by any act except made with the archbishops, bishops, earls, barons, and freemen of the commonalty," namely, of the Parliament of the realm. On this right of exclusive legislation are founded the Petition of Right, Bill of Right, Revolution, and Act of Settlement. The King has no other title to his crown than that which you have to your liberty; both are founded, the throne and your freedom, upon the right vested in the subject to resist by arms, notwithstanding the oaths of allegiance, any authority attempting to impose acts of power as laws, whether that authority be one man or a host, the second James, or the British Parliament!

Every argument for the house of Hanover is equally an argument for the liberties of Ireland; the Act of Settlement is an act of rebellion, or the declaratory statute of the 6th of George I. an act of usurpation; for both cannot be law.

I do not refer to doubtful history, but to living record; to common charters; to the interpretation England has put upon these charters — an interpretation not made by words only, but crowned by arms; to the revolution she had formed upon them, to the King she has deposed, and to the King she has established; and, above all, to the oath of allegiance solemnly plighted to the house of Stuart, and afterwards set aside, in the instance of a grave and moral people absolved by virtue of these very charters.

And as anything less than liberty is inadequate to Ireland, so is it dangerous to Great Britain. We are too near the British nation, we are too conversant with her history, we are too much fired by her example, to be anything less than her equal; any-

thing less, we should be her bitterest enemies — an enemy to that power which smote us with her mace, and to that Constitution from whose blessings we were excluded: to be ground as we have been by the British nation, bound by her Parliament, plundered by her Crown, threatened by her enemies, insulted with her protection, while we return thanks for her condescension, is a system of meanness and misery which has expired in our determination, as I hope it has in her magnanimity.

There is no policy left for Great Britain but to cherish the remains of her empire, and do justice to a country who is determined to do justice to herself, certain that she gives nothing equal to what she received from us when we gave her Ireland.

With regard to this country, England must resort to the free principles of government, and must forego that legislative power which she has exercised to do mischief to herself; she must go back to freedom, which, as it is the foundation of her Constitution, so it is the main pillar of her empire; it is not merely the connection of the Crown, it is a constitutional annexation, an alliance of liberty, which is the true meaning and mystery of the sisterhood, and will make both countries one arm and one soul, replenishing from time to time, in their immortal connection, the vital spirit of law and liberty from the lamp of each other's light. Thus combined by the ties of common interest, equal trade, and equal liberty, the constitution of both countries may become immortal, a new and milder empire may arise from the errors of the old, and the British nation assume once more her natural station — the head of mankind.

That there are precedents against us I allow — acts of power I would call them, not precedent; and I answer the English pleading such precedents, as they answered their kings when they urged precedents against the liberty of England: Such things are the weakness of the times; the tyranny of one side, the feebleness of the other, the law of neither; we will not be bound by them; or rather, in the words of the Declaration of Right: "No doing judgment, proceeding, or anywise to the contrary, shall be brought into precedent or example." Do not then tolerate a power — the power of the British Parliament over this land, which has no foundation in utility or necessity, or empire, or the laws of England, or the laws of Ireland, or the laws of nature, or the laws of God,— do not suffer it to have a duration in your mind.

Do not tolerate that power which blasted you for a century, that power which shattered your loom, banished your manufacturers, dishonored your peerage, and stopped the growth of your people; do not, I say, be bribed by an export of woolen, or an import of sugar, and permit that power which has thus withered the land to remain in your country and have existence in your pusillanimity.

Do not suffer the arrogance of England to imagine a surviving hope in the fears of Ireland; do not send the people to their own resolves for liberty, passing by the tribunals of justice and the high court of Parliament; neither imagine that, by any formation of apology, you can palliate such a commission to your hearts, still less to your children, who will sting you with their curses in your grave for having interposed between them and their Maker, robbing them of an immense occasion, and losing an opportunity which you did not create, and can never restore.

Hereafter, when these things shall be history, your age of thraldom and poverty, your sudden resurrection, commercial redress, and miraculous armament, shall the historian stop at liberty, and observe — that here the principal men among us fell into mimic trances of gratitude — they were awed by a weak ministry, and bribed by an empty treasury — and when liberty was within their grasp, and the temple opened her folding doors, and the arms of the people clanged, and the zeal of the nation urged and encouraged them on, that they fell down, and were prostituted at the threshold?

I might, as a constituent, come to your bar, and demand my liberty. I do call upon you, by the laws of the land and their violation, by the instruction of eighteen counties, by the arms, inspiration, and providence of the present moment, tell us the rule by which we shall go,— assert the law of Ireland,— declare the liberty of the land.

I will not be answered by a public lie, in the shape of an amendment; neither, speaking for the subject's freedom, am I to hear of faction. I wish for nothing but to breathe, in this our island, in common with my fellow-subjects, the air of liberty. I have no ambition, unless it be the ambition to break your chain and contemplate your glory. I never will be satisfied so long as the meanest cottager in Ireland has a link of the British chain clanking to his rags; he may be naked, he shall not be in iron; and I do see the time is at hand, the spirit is gone forth, the

declaration is planted; and though great men shall apostatize, yet the cause will live; and though the public speaker should die, yet the immortal fire shall outlast the organ which conveyed it, and the breath of liberty, like the word of the holy man, will not die with the prophet, but survive him.

INVECTIVE AGAINST CORRY

(Delivered in the Irish Parliament, February 14th, 1800)

Has the gentleman done? Has he completely done? He was unparliamentary from the beginning to the end of his speech. There was scarce a word he uttered that was not a violation of the privileges of the House; but I did not call him to order — why? because the limited talents of some men render it impossible for them to be severe without being unparliamentary. But before I sit down, I shall show him how to be severe and parliamentary at the same time. On any other occasion I should think myself justifiable in treating with silent contempt anything which might fall from that honorable Member; but there are times when the insignificance of the accuser is lost in the magnitude of the accusation. I know the difficulty the honorable gentleman labored under when he attacked me, conscious that, on a comparative view of our characters, public and private, there is nothing he could say which would injure me. The public would not believe the charge. I despise the falsehood. If such a charge were made by an honest man, I would answer it in the manner I shall do before I sit down. But I shall first reply to it when not made by an honest man.

The right honorable gentleman has called me "an unimpeached traitor." I ask, why not "traitor," unqualified by any epithet? I will tell him; it was because he dare not. It was the act of a coward, who raises his arm to strike, but has not courage to give the blow. I will not call him villain, because it would be unparliamentary, and he is a privy counselor. I will not call him fool, because he happens to be Chancellor of the Exchequer. But I say he is one who has abused the privilege of Parliament and freedom of debate to the uttering language, which, if spoken out of the House, I should answer only with a blow. I care not how high his situation, how low his character, how contemptible his speech; whether a privy counselor or a parasite, my answer

would be a blow. He has charged me with being connected with the rebels: the charge is utterly, totally, and meanly false. Does the honorable gentleman rely on the report of the House of Lords for the foundation of his assertion? If he does, I can prove to the committee there was a physical impossibility of that report being true. But I scorn to answer any man for my conduct, whether he be a political coxcomb, or whether he brought himself into power by a false glare of courage or not. I scorn to answer any wizard of the Castle throwing himself into fantastical airs. But if an honorable and independent man were to make a charge against me, I would say: "You charge me with having an intercourse with the rebels, and you found your charge upon what is said to have appeared before a committee of the lords. Sir, the report of that committee is totally and egregiously irregular." I will read a letter from Mr. Nelson, who had been examined before that committee; it states that what the report represents him as having spoken, is not what he said.

From the situation that I held, and from the connections I had in the city of Dublin, it was necessary for me to hold intercourse with various descriptions of persons. The right honorable Member might as well have been charged with a participation in the guilt of those traitors; for he had communicated with some of those very persons on the subject of parliamentary reform. The Irish Government, too, were in communication with some of them.

The right honorable Member has told me I deserted a profession where wealth and station were the reward of industry and talent. If I mistake not, that gentleman endeavored to obtain those rewards by the same means; but he soon deserted the occupation of a barrister for those of a parasite and pander. He fled from the labor of study to flatter at the table of the great. He found the lord's parlor a better sphere for his exertions than the hall of the Four Courts; the house of a great man a more convenient way to power and place; and that it was easier for a statesman of middling talents to sell his friends, than for a lawyer of no talents to sell his clients.

For myself, whatever corporate or other bodies have said or done to me, I from the bottom of my heart forgive them. I feel I have done too much for my country to be vexed at them. I would rather that they should not feel or acknowledge what I have done for them, and call me traitor, than have reason to say

I sold them. I will always defend myself against the assassin; but with large bodies it is different. To the people I will bow: they may be my enemy — I never shall be theirs.

At the emancipation of Ireland, in 1782, I took a leading part in the foundation of that Constitution which is now endeavored to be destroyed. Of that Constitution I was the author; in that Constitution I glory; and for it the honorable gentleman should bestow praise, not invent calumny. Notwithstanding my weak state of body, I come to give my last testimony against this Union, so fatal to the liberties and interests of my country. I come to make common cause with these honorable and virtuous gentlemen around me; to try and save the Constitution; or if not to save the Constitution, at least to save our characters, and remove from our graves the foul disgrace of standing apart while a deadly blow is aimed at the independence of our country.

The right honorable gentleman says I fled from the country after exciting rebellion, and that I have returned to raise another. No such thing. The charge is false. The civil war had not commenced when I left the kingdom; and I could not have returned without taking a part. On the one side there was the camp of the rebel; on the other, the camp of the minister, a greater traitor than that rebel. The stronghold of the Constitution was nowhere to be found. I agree that the rebel who rose against the Government should have suffered; but I missed on the scaffold the right honorable gentleman. Two desperate parties were in arms against the Constitution. The right honorable gentleman belonged to one of those parties, and deserved death. I could not join the rebel — I could not join the Government — I could not join torture — I could not join half-hanging — I could not join free quarter — I could take part with neither. I was therefore absent from a scene where I could not be active without self-reproach, nor indifferent with safety.

Many honorable gentlemen thought differently from me; I respect their opinions, but I keep my own; and I think now, as I thought then, that the treason of the minister against the liberties of the people was infinitely worse than the rebellion of the people against the minister.

I have returned, not as the right honorable Member has said, to raise another storm; I have returned to discharge an honorable debt of gratitude to my country, that conferred a great reward for past services, which, I am proud to say, was not greater

than my desert. I have returned to protect that Constitution, of which I was the parent and the founder, from the assassination of such men as the honorable gentleman and his unworthy associates. They are corrupt; they are seditious; and they, at this very moment, are in a conspiracy against their country. I have returned to refute a libel as false as it is malicious, given to the public under the appellation of a report of a committee of the lords. Here I stand ready for impeachment or trial; I dare accusation. I defy the honorable gentleman; I defy the Government; I defy their whole phalanx; let them come forth. I tell the ministers I will neither give them quarter nor take it. I am here to lay the shattered remains of my constitution on the floor of this House in defense of the liberties of my country.

UNSURRENDERING FIDELITY TO COUNTRY

(Peroration of the Speech of May 26th, 1800, against Union with England)

When the liberty and security of one country depend on the honor of another, the latter may have much honor, but the former can have no liberty. To depend on the honor of another country is to depend on the will; and to depend on the will of another country is the definition of slavery. "Depend on my honor," said Charles I., when he trifled about the Petition of Right. I will trust the people with the custody of their own liberty, but I will trust no people with the custody of any liberty other than their own, whether that people be Rome, Athens, or Britain.

Observe how the minister speaks of that country which is to depend hereafter on British honor, which, in his present power, is, in fact, his honor. "We had to contend with the leaders of the Protestants, 'enemies to government'; the violent and inflamed spirit of the Catholics; the disappointed ambition of those who would ruin the country because they could not be the rulers of it." Behold the character he gives of the enemies of the Union, namely, of twenty-one counties convened at public meetings by due notice; of several other counties that have petitioned; of most of the great cities and towns, or, indeed, of almost all the Irish, save a very few mistaken men, and that body whom Government could influence. Thus the minister utters a national proscription at the moment of his projected

Union; he excludes by personal abuse from the possibility of identification, all the enemies of the Union, all the friends of the parliamentary Constitution of 1782, that great body of the Irish; he abuses them with a petulance more befitting one of his Irish ministers than an exalted character, and infinitely more disgraceful to himself than to them; one would think one of his Irish railers had lent him his vulgar clarion to bray at the people.

This union of parliaments, this proscription of people, he follows by a declaration wherein he misrepresents their sentiments as he had before traduced their reputation. After a calm and mature consideration, the people have pronounced their judgment in favor of a Union; of which assertion not one single syllable has any existence in fact, or in the appearance of fact, and I appeal to the petitions of twenty-one counties publicly convened, and to the other petitions of other counties numerously signed, and to those of the great towns and cities. To affirm that the judgment of a nation is erroneous may mortify, but to affirm that her judgment against is for; to assert that she has said aye when she has pronounced no; to affect to refer a great question to the people; finding the sense of the people, like that of the Parliament, against the question, to force the question; to affirm the sense of the people to be for the question; to affirm that the question is persisted in because the sense of the people is for it; to make the falsification of her sentiments the foundation of her ruin and the ground of the Union; to affirm that her Parliament, Constitution, liberty, honor, property, are taken away by her own authority; there is, in such artifice, an effrontery, a hardihood, an insensibility, that can best be answered by sensations of astonishment and disgust, excited on this occasion by the British minister, whether he speaks in gross and total ignorance of the truth, or in shameless and supreme contempt for it.

The Constitution may be for a time so lost; the character of the country cannot be lost. The ministers of the Crown will, or may, perhaps at length, find that it is not so easy to put down forever an ancient and respectable nation, by abilities, however great, and by power and by corruption, however irresistible; liberty may repair her golden beams, and with redoubled heat animate the country; the cry of loyalty will not long continue against the principles of liberty; loyalty is a noble, a judicious, and a capacious principle; but in these countries loyalty, distinct from liberty, is corruption, not loyalty.

The cry of the connection will not, in the end, avail against the principles of liberty. Connection is a wise and a profound policy; but connection without an Irish Parliament is connection without its own principle, without analogy of condition, without the pride of honor that should attend it; is innovation, is peril, is subjugation — not connection.

The cry of disaffection will not, in the end, avail against the principles of liberty.

Identification is a solid and imperial maxim, necessary for the preservation of freedom, necessary for that of empire; but, without union of hearts — with a separate government, and without a separate parliament, identification is extinction, is dishonor, is conquest — not identification.

Yet I do not give up the country: I see her in a swoon, but she is not dead; though in her tomb she lies helpless and motionless, still there is on her lips a spirit of life, and on her cheek a glow of beauty —

> "Thou art not conquered; beauty's ensign yet
> Is crimson in thy lips and in thy cheeks,
> And death's pale flag is not advanced there."

While a plank of the vessel sticks together, I will not leave her. Let the courtier present his flimsy sail, and carry the light bark of his faith with every new breath of wind: I will remain anchored here with fidelity to the fortunes of my country, faithful to her freedom, faithful to her fall.

GREGORY OF NAZIANZUS

(*c.* 325–390)

GREGORY "NAZIANZEN," though a native of Cappadocia, was so celebrated as an orator and preacher that he was called to lecture on rhetoric in the University at Athens. He was born about the year 325 at Nazianzus, the town from which he took his surname, and educated at Cæsarea, at Alexandria, and at Athens. In the latter city he became greatly attached to Basil the Great, on whom he delivered a celebrated funeral oration, generally instanced as the best example of his style.

As a preacher and theologian, St. Gregory was held in the highest esteem. He is classed as one of the great Fathers of the Eastern Church, and is praised for his "sublime wit, subtle apprehension, and great stock of human learning." He held the office of Bishop of Constantinople from 380 to his death in 390.

EULOGY ON BASIL OF CÆSAREA

(From the Funeral Oration Preached on the Text, "Their sound went into all the earth, and their words unto the end of the world")

WHO more than Basil honored virtue or punished vice? Who evinced more favor toward the right-doing, or more severity toward offenders — he whose very smile was often praise; whose silence, reproof, in the depths of conscience reaching and arousing the sense of guilt? Grant that he was no light prattler, no jester, no lounger in the markets. Grant that he did not ingratiate himself with the multitude by becoming all things to all, and courting their favor: what then? Should he not, with all the right judging, receive praise for this rather than condemnation? Is it deemed a fault in the lion that he has not the look of the ape; that his aspect is stern and regal; that his movements, even in sport, are majestic, and command at once wonder and delight? Or do we admire it as proof of

courtesy and true benevolence in actors that they gratify the populace, and move them to laughter by mutual blows on the temple, and by boisterous merriment?

But, should we even pursue this inquiry, who, so far as my knowledge extends — and my acquaintance with him has been most intimate — who was so delightful as Basil in company? Who was more graceful in narration? Who more delicate in raillery? Who more tender in reproof, making neither his censure harshness, nor his mildness indulgence, but avoiding excess in both, and in both following the rule of Solomon, who assigns to everything its season? But what is all this compared with his extraordinary eloquence and that resistless might of his doctrine which has made its own the extremities of the globe? We are still lingering about the base of the mountain, as at great distance from its summit. We still push our bark across the strait, leaving the broad and open sea. For assuredly, if there ever was, or ever shall be, a trumpet, sounding far out upon the air, or a voice of God encompassing the world, or some unheard-of and wondrous shaking of the earth, such was his voice, such his intellect, as far transcending that of his fellows as man excels the nature of the brute. Who more than he purified his spirit, and thus qualified himself to unfold the Divine oracles? Who, more brightly illuminated with the light of knowledge, has explored the dark things of the spirit, and, with the aid of God, surveyed the mysteries of God? And who has possessed a diction that was a more perfect interpreter of his thoughts? Not with him as with the majority, was there a failure, either of thought sustaining his diction, or of language keeping pace with thought; but alike distinguished in both, he showed himself as an orator throughout, self-consistent and complete. It is the prerogative of the spirit to search the deep things of God, not as ignorant, but as making the survey with infinite ease and delight. But all the mysteries of the spirit were profoundly investigated by Basil; and from these sources he trained and disciplined the characters of all, taught loftiness of speech, and, withdrawing men from the present, directed them to the future. The sun is praised by the Psalmist for his beauty and magnitude, for the swiftness and power of his course, resplendent as a bridegroom, mighty as a giant. His mighty circuit has power to light equally the opposite extremes of the

globe, the extent of their diffusion lessens not the power of his beams. But the beauty of Basil was virtue; his greatness, theology; his course, perpetual activity, ever tending upward to God; his power, the sowing and distribution of the word. Thus I need not hesitate to apply to him the language which Paul, borrowing from David, applies to the Apostles, that his sound went into all the earth, and the power of his words to the extremities of the world. What other source of pleasure at the present day in our assemblies? What at our banquets? What in the forum? What in the churches? What constitutes the delight alike of magistrates and of private citizens, of monks and of those who mingle in society, of men of business, and of men of leisure, of the votaries of profane and of sacred science? The one all-pervading and highest source of enjoyment is the writings of Basil. . . .

And since I have spoken of Theology, and of his sublime mode of treating it, I wish yet to add the following. For it is eminently desirable that the multitude should not receive harm themselves by cherishing wrong sentiments respecting him. And my remarks are directed specially against those base persons who, by aspersing others, pander to their own depravity. For in defense of sound doctrine and the union and joint Godhead of the Sacred Trinity,—or by whatever still more direct and clearer term the doctrine may be designated,—he was ready not merely to sacrifice places of power to which he never aspired, but to accept exile, death, and its preliminary tortures, not as evil, but as gain. Witness, in proof, what he has actually endured. When condemned to banishment for the truth, he merely bade one of his attendants take up his writing tablets and follow him. . . .

Gather yourselves around me now, all ye his train; ye who bear office, and ye of lower rank; ye who are within, and ye who are without our pale, and aid me in celebrating his praises. Let all severally recount and extol his virtues. Princes extol the lawgiver; statesmen, the statesman; citizens, the orderly and exemplary citizen; votaries of learning, the instructor; virgins, the patron of wedlock; wives, the teacher of chastity. Let the solitary commemorate him who lends them wings for their flight; the men of society, the judge; the simple-minded, the guide; those given to speculation, the theologian; those in prosperity, the curber of pride; those in affliction, the consoler; age, its

staff; youth, its guardian; poverty, its provider; abundance, its steward and dispenser. Methinks I hear the widows praising their protector; orphans, their father; the poor, the friend of poverty; strangers, the lover of hospitality; brethren, the brotherly minded; the sick, the physician; the well, the preserver and guardian of health; all, in short, praise him who became all things to all that he might, if possible, gain all.

SIR HARBOTTLE GRIMSTONE

(1603–1685)

IR HARBOTTLE GRIMSTONE, orator, speaker of the House of Commons, and member of the Commission which tried the Regicides under Charles II., presents inconsistencies which can hardly be judged by modern standards. In 1640, when he sat in Parliament as a representative of Colchester, he opened the debate on popular grievances with a celebrated speech which helped to force issues for popular rights against royal prerogative. He maintained this position through the first Parliament of 1640 and through the Long Parliament, until he saw the supreme power passing from Parliament into the hands of Cromwell, when he went into opposition. On December 6th, 1628, he was "purged" out of Parliament by Colonel Pride, and imprisoned. After this he took no great part in public affairs until after the abdication of Richard Cromwell, when he was made speaker of the House of Commons, and as he materially assisted in the Restoration, he came into favor with Charles II., who appointed him on the Commission to try the Regicides and afterwards made him Master of the Rolls. This part of Grimstone's life is not dwelt on with satisfaction by his biographers. He died January 2d, 1685, after having narrowly escaped being a very great man.

As his speech of April 16th, 1640, opened the debate on Popular Grievances against Charles I., it may be called one of the most notable in history; and though it has been called "ponderous," it is not unworthy of the occasion.

«PROJECTING CANKER WORMS AND CATERPILLARS»

(Delivered in the English Parliament, April 16th, 1640, Opening the Debate on Grievances)

[The House then proceeded to agree upon a day of solemn fasting and humiliation, to implore the Divine assistance and direction in all their consultations, and a message was sent up to the Lords to desire their concurrence. Divers petitions were then also read, presented by several Knights of the Shires, complaining of ship-money, projects, monopolies, Star Chamber, High-Commission Court, etc., and several Members made long speeches upon those subjects, complaints, and grievances. Harbottle Grimstone, Esq., was the first that stood up, and spoke to this effect.—Nalson.]

Mr. Speaker:—

We are called by his Majesty to consult together of the great and weighty affairs of the State and Kingdom. There hath now a great and weighty business been presented to this House, and a letter hath been read importing (according to the interpretation which hath been collected out of it) a defection of the King's natural subjects. This is a great cause, and very worthy of the consideration and advisement of this great council; but I am very much mistaken if there be not a case here at home of as great danger as that which is already put. The one stands without at the back door (for so dangers from thence in all our histories have been termed), but the case we will put is a case already upon our backs. And in these great cases of danger (which so much concern the welfare of the body politic), we ought to do like skillful physicians that are not led in their judgments so much by outward expressions of a disease, as by the inward symptoms and causes of it; for it fares with a body politic as it doth with a natural body. It is impossible to cure an ulcerous body, unless you first cleanse the veins and purge the body from obstructions and pestilent humors that surcharge nature; and that being once done, the blotches, blains, and scabs which grow upon the superficies and outside of the body will dry up, shed, and fall away of themselves. The danger that hath now been presented to the House, it standeth at a distance, and we heartily wish it were further off; yet as it stands at a distance, it is so much the less dangerous. But the case that I shall put is a case of great danger here at home,

and is so much the more dangerous because it is home-bred and runs in the veins.

If the one shall appear to be as great a danger as the other, we hope it will not be thought unreasonable at this time to put the one as well as the other.

Mr. Speaker, the case is this: The charter of our liberties, called Magna Charta, was granted unto us by King John, which was but a renovation and restitution of the ancient laws of this Kingdom. This charter was afterwards, in the succession of several ages, confirmed unto us above thirty several times, and in the third year of his Majesty's reign that now is, we had more than a confirmation of it,—for we had an act declaratory passed,—and then to put it out of all question and dispute for the future, his Majesty, by his gracious answer, *soit droit fait come est desire*, invested it with the title of Petition of Right. What expositions contrary to that law of right have some men given to undermining the liberty of the subjects with new invented subtle distinctions, and assuming to themselves a power (I know not where they had it) out of Parliament, to supersede, annihilate, and make void the laws of the Kingdom; the Commonwealth hath been miserably torn and massacred, and all property and liberty shaken, the Church distracted, the Gospel and professors of it prosecuted, and the whole nation overrun with swarms of projecting canker worms and caterpillars, the worst of all the Egyptian plagues; then (as the case now stands with us) I conceive there are two points very considerable in it. The first is: What hath been done any way to impeach the liberties of the subjects, contrary to the Petition of Right? The second is: Who have been the authors and causes of it?

The serious examination and discussion of these two questions do highly concern his Majesty in point of honor, and his subjects in point of interest. And all that I shall say to it are but the words Ezra used to King Artaxerxes of the settlement of that state, which at that time was as much out of frame and order as ours is at this present; that which cured theirs I hope will cure ours; his words are these: "Whosoever hath not done the laws of God and the King, let judgment be speedily executed upon him, whether it be unto banishment or to confiscation of goods, or to imprisonment." It may be some do think this a strange text, and 'tis possible some may think it as strange a case; as

for the text every man may read it that will; and for the case, I am afraid there are but few here that do not experimentally know it, as bad as I have put it, and how to mend a bad cause I take it is part of the business we now meet about.

His Majesty yesterday did graciously confirm unto us our great and ancient liberties of freedom of speech, and, having his kingly word for it, I shall rest as confidently upon it as the greatest security under heaven, whilst I have the honor to have a place here, and I shall with all humility be bold to express myself like a freeman.

The diseases and distempers that are now in our bodies politic are grown to that height that they pray for and importune a cure. And his Majesty, out of his tender care and affection to his people, like a nursing father, hath now freely offered himself to hear our grievances and complaints. We cannot complain we want good laws; the wit of man cannot invent better than are already made; there want only some examples, that such as have been the authors and causes of all our miseries and distractions in Church and Commonwealth, contrary to these good laws, might be treacle to expel the poison of mischief out of others.

But my part is but *ostendere partem;* therefore, having put the case, I must leave it to the judgment of this House whether our dangers here at home be not as great and considerable as that which was even now presented.

FRANÇOIS PIERRE GUILLAUME GUIZOT

(1787–1874)

FRANÇOIS GUIZOT, the great French historian, statesman, and orator, first developed his remarkable powers of eloquence as a lecturer on history at the Sorbonne. It was there that he delivered the addresses on the Causes of Human Progress, which, published afterwards as a 'History of Civilization,' have done most to immortalize him. They were attended at the time by large audiences whose enthusiastic reception of them was a natural response to their eloquence and a deserved tribute to their intellectual power.

Guizot was born at Nîmes, October 4th, 1787, the son of an advocate who died on the scaffold during the Revolution. Guizot's mother retired with her family to Geneva, where he was educated. In 1805 he went to Paris, intending to devote himself to literature, but he was drawn into politics, which, during the remainder of his life, divided his attention with the work as a historian and educational orator, which more properly belonged to him. His addresses at the Sorbonne were interrupted by his political enemies in 1824, but the Martignac ministry allowed him to resume them. In 1829 he became once more active and prominent in politics, and in 1847 he was the official leader of the cabinet under Louis Philippe, which fell in the Revolution of 1848. He retired to London where his reputation as a historian secured him the greatest respect. In 1850 he was found once more in Paris and once more active in politics, but his political career ended with the *coup d'état*, and the rest of his life was devoted chiefly to increasing his already great usefulness in literature. His 'Life of Washington' won for his portrait a place in the American House of Representatives. His works, all of importance, make a long list in the library catalogues, but it is in the addresses on Civilization at the Sorbonne that his genius reached its climax, and it is on them that his claim for immortality most securely rests. He died September 12th, 1874.

CIVILIZATION AND THE INDIVIDUAL MAN

(From the Lectures on Civilization in Modern Europe)

BEING called upon to give a course of lectures, and having considered what subject would be most agreeable and convenient to fill up the short space allowed us from now to the close of the year, it has occurred to me that a general sketch of the history of modern Europe, considered more especially with regard to the progress of civilization,—that a general survey of the history of European civilization, of its origin, its progress, its end, its character, would be the most profitable subject upon which I could engage your attention. . . .

I shall commence this investigation by placing before you a series of hypotheses. I shall describe society in various conditions, and shall then ask if the state in which I so describe it is, in the general opinion of mankind, the state of a people advancing in civilization—if it answer to the signification which mankind generally attaches to this word.

First, imagine a people whose outward circumstances are easy and agreeable: few taxes, few hardships; justice is fairly administered; in a word, physical existence, taken altogether, is satisfactorily and happily regulated. But with all this, the moral and intellectual energies of this people are studiously kept in a state of torpor and inertness. It can hardly be called oppression; its tendency is not of that character—it is rather compression. We are not without examples of this state of society. There have been a great number of little aristocratic republics in which the people have been thus treated, like so many flocks of sheep, carefully tended, physically happy, but without the least intellectual and moral activity. Is this civilization? Do we recognize here a people in a state of moral and social advancement?

Let us take another hypothesis. Let us imagine a people whose outward circumstances are less favorable and agreeable; still, however, supportable. As a set-off, its intellectual and moral cravings have not here been entirely neglected. A certain range has been allowed them—some few pure and elevated sentiments have been here distributed; religious and moral notions have reached a certain degree of improvement; but the greatest care has been taken to stifle every principle of liberty. The moral and intellectual wants of this people are provided for in the way

that, among some nations, the physical wants have been provided for; a certain portion of truth is doled out to each, but no one is permitted to help himself — to seek for truth on his own account. Immobility is the character of its moral life; and to this condition are fallen most of the populations of Asia, in which theocratic government restrains the advance of man: such, for example, is the state of the Hindoos. I again put the same question as before: Is this a people among whom civilization is going on?

I will change entirely the nature of the hypothesis: Suppose a people among whom there reigns a very large stretch of personal liberty, but among whom also disorder and inequality almost everywhere abound. The weak are oppressed, afflicted, destroyed; violence is the ruling character of the social condition. Every one knows that such has been the state of Europe. Is this a civilized state? It may, without doubt, contain germs of civilization which may progressively shoot up; but the actual state of things which prevails in this society is not, we may rest assured, what the common sense of mankind would call civilization.

I pass on to a fourth and last hypothesis. Every individual here enjoys the widest extent of liberty; inequality is rare, or, at least, of a very slight character. Every one does as he likes, and scarcely differs in power from his neighbor. But then here scarcely such a thing is known as a general interest; here exist but few public ideas; hardly any public feeling; but little society; in short, the life and faculties of individuals are put forth and spent in an isolated state, with but little regard to society, and with scarcely a sentiment of its influence. Men here exercise no influence upon one another; they leave no traces of their existence. Generation after generation pass away, leaving society just as they found it. Such is the condition of the various tribes of savages; liberty and equality dwell among them, but no touch of civilization.

I could easily multiply these hypotheses, but I presume that I have gone far enough to show what is the popular and natural signification of the word "civilization."

It is evident that none of the States which I have just described will correspond with the common notion of mankind respecting this term. It seems to me that the first idea comprised in the word "civilization" (and this may be gathered from the various examples which I have placed before you) is the notion of progress, of development. It calls up within us the

notion of a people advancing, of a people in a course of improvement and melioration.

Now, what is this progress? What is this development? In this is the great difficulty. The etymology of the word seems sufficiently obvious — it points at once to the improvement of civil life. The first notion which strikes us in pronouncing it is the progress of society; the melioration of the social state; the carrying to higher perfection the relations between man and man. It awakens within us at once the notion of an increase of national prosperity, of a greater activity and better organization of the social relations. On one hand there is a manifest increase in the power and well-being of society at large; and on the other a more equitable distribution of this power and this well-being among the individuals of which society is composed.

But the word "civilization" has a more extensive signification than this, which seems to confine it to the mere outward, physical organization of society. Now, if this were all, the human race would be little better than the inhabitants of an ant-hill or beehive; a society in which nothing was sought for beyond order and well-being — in which the highest, the sole aim, would be the production of the means of life, and their equitable distribution.

But our nature at once rejects this definition as too narrow. It tells us that man is formed for a higher destiny than this. That this is not the full development of his character — that civilization comprehends something more extensive, something more complex, something superior to the perfection of social relations, of social power and well-being.

That this is so, we have not merely the evidence of our nature, and that derived from the signification which the common sense of mankind has attached to the word, but we have likewise the evidence of facts.

No one, for example, will deny that there are communities in which the social state of man is better — in which the means of life are better supplied, are more rapidly produced, are better distributed, than in others, which yet will be pronounced by the unanimous voice of mankind to be superior in point of civilization.

Take Rome, for example, in the splendid days of the Republic, at the close of the second Punic War; the moment of her greatest virtues, when she was rapidly advancing to the empire

of the world — when her social condition was evidently improving. Take Rome again under Augustus, at the commencement of her decline, when, to say the least, the progressive movement of society halted, when bad principles seemed ready to prevail; but is there any person who would not say that Rome was more civilized under Augustus than in the days of Fabricius or Cincinnatus?

Let us look further; let us look at France in the seventeenth and eighteenth centuries. In a merely social point of view, as respects the quantity and the distribution of well-being among individuals, France, in the seventeenth and eighteenth centuries, was decidedly inferior to several of the other States of Europe; to Holland and England in particular. Social activity, in these countries, was greater, increased more rapidly, and distributed its fruits more equitably among individuals. Yet consult the general opinion of mankind, and it will tell you that France in the seventeenth and eighteenth centuries was the most civilized country of Europe. Europe has not hesitated to acknowledge this fact, and evidence of its truth will be found in all the great works of European literature.

It appears evident, then, that all that we understand by this term is not comprised in the simple idea of social well-being and happiness; and, if we look a little deeper, we discover that, besides the progress and melioration of social life, another development is comprised in our notion of civilization: namely, the development of individual life, the development of the human mind and its faculties — the development of man himself.

It is this development which so strikingly manifested itself in France and Rome at these epochs; it is this expansion of human intelligence which gave to them so great a degree of superiority in civilization. In these countries the godlike principle which distinguishes man from the brute exhibited itself with peculiar grandeur and power, and compensated in the eyes of the world for the defects of their social system. These communities had still many social conquests to make, but they had already glorified themselves by the intellectual and moral victories they had achieved. Many of the conveniences of life were here wanting; from a considerable portion of the community were still withheld their natural rights and political privileges; but see the number of illustrious individuals who lived and earned the applause and approbation of their fellow-men. Here, too, litera-

ture, science, and art attained extraordinary perfection, and shone in more splendor than perhaps they had ever done before. Now, wherever this takes place, wherever man sees these glorious idols of his worship displayed in their full lustre,—wherever he sees this fund of rational and refined enjoyment for the godlike part of his nature called into existence, there he recognizes and adores civilization.

Two elements, then, seem to be comprised in the great fact which we call civilization;—two circumstances are necessary to its existence—it lives upon two conditions—it reveals itself by two symptoms: the progress of society, the progress of individuals; the melioration of the social system, and the expansion of the mind and faculties of man. Wherever the exterior condition of man becomes enlarged, quickened, and improved; wherever the intellectual nature of man distinguishes itself by its energy, brilliancy, and its grandeur; wherever these two signs concur, and they often do so, notwithstanding the gravest imperfections in the social system, there man proclaims and applauds civilization.

Such, if I mistake not, would be the notion mankind in general would form of civilization, from a simple and rational inquiry into the meaning of the term. This view of it is confirmed by history. If we ask of her what has been the character of every great crisis favorable to civilization, if we examine those great events which all acknowledge to have carried it forward, we shall always find one or other of the two elements which I have just described. They have all been epochs of individual or social improvement—events which have either wrought a change in individual man, in his opinions, his manners; or in his exterior condition, his situation as regards his relations with his fellowmen. Christianity, for example—I allude not merely to the first moment of its appearance, but to the first centuries of its existence—Christianity was in no way addressed to the social condition of man; it distinctly disclaimed all interference with it. It commanded the slave to obey his master. It attacked none of the great evils, none of the gross acts of injustice, by which the social system of that day was disfigured; yet who but will acknowledge that Christianity has been one of the greatest promoters of civilization? And wherefore? Because it has changed the interior condition of man, his opinions, his sentiments; because it has regenerated his moral, his intellectual character.

We have seen a crisis of an opposite nature; a crisis affecting not the intellectual, but the outward condition of man, which has changed and regenerated society. This also we may rest assured is a decisive crisis of civilization. If we search history through, we shall everywhere find the same result; we shall meet with no important event, which had a direct influence in the advancement of civilization, which has not exercised it in one of the two ways I have just mentioned. . . .

When any great change takes place in the state of a country, — when any great development of social prosperity is accomplished within it, — any revolution or reform in the powers and privileges of society, this new event naturally has its adversaries. It is necessarily contested and opposed. Now what are the objections which the adversaries of such revolutions bring against them?

They assert that this progress of the social condition is attended with no advantage; that it does not improve in a corresponding degree the moral state — the intellectual powers of man; that it is a false, deceitful progress, which proves detrimental to his moral character, to the true interests of his better nature. On the other hand, this attack is repulsed with much force by the friends of the movement. They maintain that the progress of society necessarily leads to the progress of intelligence and morality; that, in proportion as the social life is better regulated, individual life becomes more refined and virtuous. Thus the question rests in abeyance between the opposers and partisans of the change.

But reverse this hypothesis: suppose the moral development in progress. What do the men who labor for it generally hope for? What, at the origin of societies, have the founders of religion, the sages, poets, and philosophers, who have labored to regulate and refine the manners of mankind, promised themselves? What but the melioration of the social condition; the more equitable distribution of the blessings of life? What, now, let me ask, should be inferred from this dispute and from those hopes and promises? It may, I think, be fairly inferred that it is the spontaneous, intuitive conviction of mankind; that the two elements of civilization — the social and moral development — are intimately connected; that, at the approach of one, man looks for the other. It is to this natural conviction we appeal when, to second or combat either one or the other of the two elements,

we deny or attest its union with the other. We know that if men were persuaded that the melioration of the social condition would operate against the expansion of the intellect, they would almost oppose and cry out against the advancement of society. On the other hand, when we speak to mankind of improving society by improving its individual members, we find them willing to believe us, and to adopt the principle. Hence, we may affirm that it is the intuitive belief of man that these two elements of civilization are intimately connected, and that they reciprocally produce one another.

If we now examine the history of the world, we shall have the same result. We shall find that every expansion of human intelligence has proved of advantage to society; and that all the great advances in the social condition have turned to the profit of humanity. One or other of these facts may predominate, may shine forth with greater splendor for a season, and impress upon the movement its own particular character. At times, it may not be till after the lapse of a long interval, after a thousand transformations, a thousand obstacles, that the second shows itself and comes, as it were, to complete the civilization which the first had begun; but when we look closely, we easily recognize the link by which they are connected. The movements of Providence are not restricted to narrow bounds; it is not anxious to deduce to-day the consequence of the premises it laid down yesterday. It may defer this for ages, till the fullness of time shall come. Its logic will not be less conclusive for reasoning slowly. Providence moves through time, as the gods of Homer through space —it makes a step, and ages have rolled away! How long a time, how many circumstances intervened, before the regeneration of the moral powers of man, by Christianity, exercised its great, its legitimate influence upon his social condition? Yet who can doubt or mistake its power?

If we pass from history to the nature itself of the two facts which constitute civilization, we are infallibly led to the same result. We have all experienced this. If a man make a mental advance, some mental discovery, if he acquire some new idea, or some new faculty, what is the desire that takes possession of him at the very moment he makes it? It is the desire to promulgate his sentiment to the exterior world—to publish and realize his thought. When a man acquires a new truth—when his being in his own eyes has made an advance, has acquired a

new gift, immediately there becomes joined to this acquirement the notion of a mission. He feels obliged, impelled, as it were, by a secret interest, to extend, to carry out of himself the change, the melioration which has been accomplished within him. To what but this do we owe the exertions of great reformers? The exertions of those great benefactors of the human race, who have changed the face of the world, after having first been changed themselves, have been stimulated and governed by no other impulse than this.

So much for the change which takes place in the intellectual man. Let us now consider him in a social state. A revolution is made in the condition of society. Rights and property are more equitably distributed among individuals; this is as much as to say, the appearance of the world is purer — is more beautiful. The state of things, both as respects governments, and as respects men in their relations with each other, is improved. And can there be a question whether the sight of this goodly spectacle, whether the melioration of this external condition of man, will have a corresponding influence upon his moral, his individual character,— upon humanity? Such a doubt would belie all that is said of the authority of example and of the power of habit, which is founded upon nothing but the conviction that exterior facts and circumstances, if good, reasonable, well-regulated, are followed, sooner or later, more or less completely, by intellectual results of the same nature, of the same beauty; that a world better governed, better regulated, a world in which justice more fully prevails, renders man himself more just; that the intellectual man, then, is instructed and improved by the superior condition of society, and his social condition, his external well-being, meliorated and refined by increase of intelligence in individuals; that the two elements of civilization are strictly connected; that ages, that obstacles of all kinds, may interpose between them; that it is possible they may undergo a thousand transformations before they meet together; but that sooner or later this union will take place is certain, for it is a law of their nature that they should do so — the great facts of history bear witness that such is really the case — the instinctive belief of man proclaims the same truth.

FRANK W. GUNSAULUS

(1856–)

DOCTOR F. W. GUNSAULUS, the well-known pulpit orator of Chicago, was born at Chesterville, Ohio, January 1st, 1856, and educated in the Ohio Wesleyan University. He began his ministry in the Methodist Episcopal Church, but since 1879 has filled Congregationalist pulpits first in Ohio and the East, and since 1887 in Chicago. He is a poet and novelist as well as an orator, and it is confidently predicted that he will occupy a high and permanent place in American literature. In his expressions from the pulpit he is often very striking, as in the sermon, 'Healthy Heresies,' which recently attracted the attention of the entire country because of its eloquence and originality.

HEALTHY HERESIES

(From the Sermon Preached before the Illinois Congregational Association in May 1898)

A GOD creating and maintaining a universe, conducting its processes, rearing men upon it, guiding man from Eden to the grave, in strict conformity with the Westminster Confession, is a God repudiated by conscience and love of goodness and hope, which have come into orthodoxy by the administration of the holy spirit — a personal power which for one thousand nine hundred years has illuminated the face of the loving Jesus with his gospel of universal fatherhood and universal brotherhood, with his scarred hands embracing the whole world in his enterprise of salvation, saying unto mistaken and blundering theologians, who would make God either a cruel tyrant or a sensational visionary: "He that hath seen me hath seen the father."

True orthodoxy has nothing whatever to fear so much as that faithlessness which is frightened at every healthy heresy. True orthodoxy will always regard every influential heresy as the appeal of a neglected truth for recognition.

For example, for twenty-five years we have been trying to get our theology in harmony with materialism, and have been very careful not to say too much about spiritual powers, lest in the event that materialism triumphed entirely, we would have some things that would be awkward enough to take back. So, out of the back window in the eventide of our faith, we put quietly and resignedly our loftiest conceptions and most heroic measurements of what the soul of man can do in exercising sovereignty over matter.

And now, Christian Science comes in at the front door, bringing with it the truth which we have neglected and perhaps scorned. The whole wretched pretense of materialism has vanished as a thick cloud. Away to the outer extreme the human soul has gone, and we can hardly get enough matter together to seriously influence the scales of thought.

I thank God for the bumptious, pestiferous unchristian, unscientific thing called Christian Science, just as I thank God for the thorny, scraggy rosebush, because with it I can get a rose, and without it I will have none.

The rose justifies the thorns by which and with which it comes, and the great truth in Christian Science, that men can live so as to be free from the haunting tyranny of the flesh and that the soul of men can be so conscious of God that it is to be taken into the heaven of heavens, where a Paul does not know whether he is in the body or out of the body — that truth justifies any process or means by which it comes.

The tide of interest in that truth to-day, after the dreary wastes of materialism, is proof to me that at the centre of the world's thought the holy spirit abides and works with the old energy that oftentimes has reinvigorated the world.

EDWARD EVERETT HALE

(1822–)

EDWARD EVERETT HALE stands above everything else for "the New England idea." Born in Boston, April 3d, 1822, he has shown, during his long life, in practical achievement, what Emerson meant when he wrote:—

> "Who bides at home, nor looks abroad,
> Carries the eagle and masters the sword."

Appealing to and supported by a constituency close enough to him to make its support a source of constantly renewed vitality to his intellectual power, he has worked in politics, in literature, and in the pulpit with a success which he deserved by commanding the approval of those he represented, influenced, led, and often commanded. As a Unitarian clergyman, he has been successful and popular, but his greatest work was done in politics as an Abolitionist, and in literature as the author of 'The Man Without a Country.'

BOSTON'S PLACE IN HISTORY

(From the Oration Delivered Before the Mayor and Citizens of Boston, July 5th, 1897)

Mr. Mayor and Fellow-Citizens:—

FANEUIL HALL is the cradle of liberty, and the child was born not far away. It was in the council chamber of the old Statehouse yonder that "American independence was born." These are the words of John Adams, whose features you are looking on. He assisted at the birth, and he has told for us the story.

He says, speaking of that day: "Otis was a flame of fire; Otis hurried everything before him. American independence was then and there born. In fifteen years the child grew up to manhood, and declared himself free."

When that moment came, the Congress of the United States was sitting in Philadelphia. It had been summoned two years before, on the seventeenth of June, 1774—St. Botolph's day, be

it remembered, the Saint's day of Boston. On that day, Samuel Adams, of Boston, moved in the Provincial Assembly, sitting at Salem, that a Continental Congress should be called at Philadelphia — at Philadelphia, observe, because there was no English garrison there! Samuel Adams took the precaution to lock the door of the Salem Assembly chamber on the inside. While the motion was under discussion, the English Governor, Gage's secretary, appeared at the outside of the door to dissolve the Assembly. But Sam Adams was stronger than he. The delegates were chosen — he was one; James Bowdoin, John Adams, Thomas Cushing, and Robert Treat Paine, were the others.

All of these were from Boston; so little was known of the jealousy which dabsters in politics now speak of between the city and the country. There was no such jealousy then, and there is really no such jealousy now; none except in the minds of people who, for their own ends, play with the machinery of government.

That day, the seventeenth of June, John Adams entered public life, as he says. He presided at the crowded town meeting on the Saint's day in this hall.

Observe that, excepting him who by misfortune was not born on this peninsula, all these delegates to that Congress which changed the government of the world were Boston boys. And, almost, of course, as we Latin School boys say, they had learned democracy and liberty as they read their Latin and Greek at our Latin School. Sam Adams himself is now, I believe, unanimously regarded as the author, or father, of American Independence. James Bowdoin was afterward governor of the newborn State. Thomas Cushing gave place to Gerry before the Declaration. Paine, in his own life, in the life of his son, as in the life of his grandson to-day, never wearied in the service of the nation.

Two years were to pass before the Declaration was drawn and signed. When that time came, our delegation had been changed by the substitution of Hancock for Bowdoin, and Gerry for Cushing. Franklin, another Latin School boy, served with John Adams and Thomas Jefferson, Roger Sherman and Robert Livingston, on the committee which made the draft of the Declaration. And when the time comes for its signature, John Hancock's name "stands at the top of freedom's roll." We have a fancy in the Latin School, that, as you look at the forty-five signatures, you can find a resemblance in the beautiful handwriting

of John Hancock, of Samuel Adams, of Robert Treat Paine, of Benjamin Franklin, and of William Hooper, the five boys who were taught to write when they were at our school.

We need not be over-modest in Boston when we speak of such men and such times. American Independence was born in our old Statehouse. Sam Adams was the father of American independence. Liberty was cradled in this hall. Franklin and Adams, of those who drew the Declaration, were born here. John Hancock was sent to preside over that Assembly, and accepted bravely the honors and the perils of his great position. I could not anywhere give any history, however succinct, of the Declaration; I could not account for the America of to-day without saying all this,—no, not if I were addressing the Shah of Persia in his palace in Ispahan. . . .

I was talking once of education with a Japanese prince. He said to me, in that supernaturally good English in which they speak: "We do not give so much time to arithmetic in our schools as you do. We think arithmetic makes men sordid."

So do I. And I asked a little nervously: "To what do you give the time?"

"We teach them morals and history."

Morals and history! Might I not say that our boys and girls can drink in their morals as they see their history? This is why we urge on the teachers, and on the boys and girls, in the studies of the Old South and in the work of the schools, to begin with home history, and to make household words of its lessons. To learn first and last that they are not alone; that they hold even part and privilege with so many others in the duty and the fame of a city not second to any city in the world. First and last, duty; duty to each and all, right and left, who in this city live. For this they shall be bred and trained in the traditions of their fathers.

They shall learn, first, second, and last, to trust the people of whom they are and for whom they live. We shall not discourage any meeting of the people, whether round a tree in the common or here in Faneuil Hall. We shall exult in every effort to lift up the people, that there may be less and less of the labor and drudgery which wears men out, and more and more work in which spirit rules matter. We shall exult in every form of education, the Public Library, the evening schools, Mr. Hill's and Mr. Stewart's institutes of industry, which lift up the people and

give the people its chance against any smaller competition. For this, and for this only, are we to study the past, that "we, the people" of Massachusetts, may rule Massachusetts more happily in the future!

The boy who takes a stranger to the telegraph office on State Street, shall say to him: "Here Crispus Attucks died. He is our first martyr; he is from a despised race, but Massachusetts made him a freeman, and so he died for her." The boy who takes his cousin to see the azaleas in the garden, shall say: "It was here that Washington hoped to enter Boston on the ice, and so we have put his statue here." The Charlestown boy who takes his friend to the navy yard, shall say: "It was here that the boats from the other side brought over the Redcoats, and here they rallied after running down the hill." The boy who carries a parcel through Washington Street, shall say: "Here was 'Orange Street'; here was 'Newbury Street'; but we moved those names when we named it for Washington, after he rode in, in triumph, while the English fleet, retiring, whitened the bay yonder."

I believe, if I were in your Honor's chair next January, on one of those holidays which nobody knows what to do with, I would commemorate the first great victory of 1775. To do this well, I would issue an order that any schoolboy in Boston, who would bring his sled to School Street, might coast down hill all day there, in memory of that famous coasting in January 1775, when the Latin School boys told the English general that to coast on School Street was their right "from time immemorial," and when they won that right from him.

We have made a pleasure park of the Old Fort Independence, thanks, I believe, to our friend Mr. O'Neil. Let no young man take his sweetheart there, where sheep may be grazing between the useless cannon, without pointing out to her the berth of the Somerset on St. Botolph's day, the day democracy began her march round the world. Let him show her the bastions on Dorchester Heights. Let him say to her: "It was here that Lord Percy gathered the flower of King George's army to storm the heights yonder. And it was from this beach that they left Boston forever."

When he takes her to his old schoolhouse he shall ask first to see the handwriting of some of our old boys — of Franklin, of Sam Adams, of John Hancock, of Paine, of Bowdoin, and of

Hooper. They shall not stop the car at Hancock Street without a memory of the man who first signed the Declaration. They shall cross the pavement on Lynde Street, and he shall say: "These stones have been red with blood from Bunker Hill." And when this day of days comes round, the first festival in our calendar, the best boy of our High School, or of our Latin School, shall always read to us the Declaration in which the fathers announced the truth to the world.

And shall this be no poor homage to the past — worship deaf and dumb? As the boy goes on his errand he shall say: "To such duty I, too, am born. I am God's messenger." As the young man tells the story to his sweetheart, he shall say: "We are God's children also, you and I, and we have our duties." They look backward, only to look forward. "God needs me, that this city may still stand in the forefront of his people's land. Here am I. God may draft me for some special duty, as he drafted Warren and Franklin. Present! Ready for service! Thank God, I come from men who were not afraid in battle. Thank God, I am born from women whose walk was close to him. Thank God, I am his son." And she shall say: "I am his daughter."

He has nations to call to his service. "Here am I."

He has causeways to build, for the march forward of his people. "Here am I."

There are torrents to bridge, highways in deserts. "Here am I."

He has oceans to cross. He has the hungry world to feed. He has the wilderness to clothe in beauty. "Here am I."

God of heaven, be with us as thou wert with the fathers!

God of heaven, we will be with thee, as the fathers were!

Boys and girls, young men and maidens, listen to the voices which speak here; even from the silent canvas: —

> "You spring from men whose hearts and lives are pure —
> Their aim was steadfast, as their purpose sure.
> So live that children's children in their day
> May bless such fathers' fathers as they pray."

ALEXANDER HAMILTON

(1757–1804)

ALEXANDER HAMILTON, the greatest of the American Federalists, was born in the island of Nevis, in the West Indies, January 11th, 1757. Settling in New York in 1772, he entered fully into the spirit of the controversy with Great Britain, and, in spite of his youth, attracted attention as a pamphleteer. When the Colonies declared their independence in 1776, he entered the army as an artillery Captain, and from 1777 to 1781 served on Washington's staff. From 1782 to 1783 he was a member of the Continental Congress, but though he acquitted himself with credit in Congress, as he had done in the army, it was not until the question of adopting "a more perfect union" came before the country that he immortalized himself. He strove for a Federal Union of the highest possible efficiency, and he regarded as made to good purpose whatever sacrifices were necessary for securing it. His birth abroad freed him from the local attachments, "the provincial patriotism" which sought to organize in America such a league of independent republics as had wrought out the civilization of Greece. To Jefferson's idea of the Federal Government as "a department of foreign affairs," he opposed the idea of a central government, never unnecessarily aggressive, but having vested in it the final decision of every question. With rare skill, with intellectual force, and subtlety seldom equaled in history, he contended for this idea in the Federalist, in the Constitutional conventions of 1787 and 1788, and finally in Washington's Cabinet, where he had an unyielding and aggressive opponent in Jefferson. The Hamiltonian idea triumphed in the body of the Constitution, but its opponents rallied against it and checked it with the first ten amendments. Again up to the year 1800, it seemed that the Federalists would retain control of the executive machinery of the Government long enough to impress their ideas permanently on all governmental methods, but the defeat of Adams in 1800 led to a radical change of method, which was only overcome by the slow processes of half a century of gradual change, during which Hamilton was not claimed as a founder, nor acknowledged as a teacher by any party. During the latter half of the nineteenth century, the influence of his ideas has been steadily on the increase in American politics, and in 1899 they seem to be as much in the ascendant as they were in 1799.

Hamilton's death in the duel with Burr (fought July 11th, 1804) brought dueling into disrepute in America, and ruined Burr's life.

As a public speaker, Hamilton illustrates the power of intellect, subtle and persistent; flexible in its method; comprehensive in its scope; far-reaching in its grasp of the future. He was not an orator in the same sense Patrick Henry was, but behind every word he has left on record there is the power of a great mind.

THE COERCION OF DELINQUENT STATES

(Delivered in the New York Constitutional Convention of 1788)

Mr. Chairman:—

THE honorable member who spoke yesterday went into an explanation of a variety of circumstances, to prove the expediency of a change in our National Government, and the necessity of a firm Union. At the same time he described the great advantages which this State, in particular, receives from the Confederacy, and its peculiar weaknesses when abstracted from the Union. In doing this he advanced a variety of arguments, which deserve serious consideration. Gentlemen have this day come forward to answer him. He has been treated as having wandered in the flowery fields of fancy, and attempts have been made to take off from the minds of the committee that sober impression which might be expected from his arguments. I trust, sir, that observations of this kind are not thrown out to cast a light air on this important subject, or to give any personal bias on the great question before us. I will not agree with gentlemen who trifle with the weaknesses of our country and suppose that they are enumerated to answer a party purpose and to terrify with ideal dangers. No. I believe these weaknesses to be real and pregnant with destruction. Yet, however weak our country may be, I hope we never shall sacrifice our liberties. If, therefore, on a full and candid discussion, the proposed system shall appear to have that tendency, for God's sake let us reject it! But let us not mistake words for things, nor accept doubtful surmises as the evidence of truth. Let us consider the Constitution calmly and dispassionately, and attend to those things only which merit consideration.

No arguments drawn from embarrassment or inconvenience ought to prevail upon us to adopt a system of government rad-

ically bad; yet it is proper that these arguments, among others, should be brought into view. In doing this, yesterday, it was necessary to reflect upon our situation; to dwell upon the imbecility of our Union; and to consider whether we, as a State, could stand alone. Although I am persuaded this convention will be resolved to adopt nothing that is bad, yet I think every prudent man will consider the merits of the plan in connection with the circumstances of our country, and that a rejection of the Constitution may involve most fatal consequences. I make these remarks to show that, though we ought not to be actuated by unreasonable fear, yet we ought to be prudent.

This day, sir, one gentleman has attempted to answer the arguments advanced by my honorable friend; another has treated him as having wandered from the subject. This being the case, I trust I shall be indulged in reviewing the remarks that have been said.

Sir, it appears to me extraordinary, that, while gentlemen in one breath acknowledge that the old Confederation requires many material amendments, they should, in the next, deny that its defects have been the cause of our political weakness, and the consequent calamities of our country. I cannot but infer from this, that there is still some lurking favorite imagination, that this system, with correctness, might become a safe and permanent one. It is proper that we should examine this matter. We contend that the radical vice in the old Confederation is, that the laws of the Union apply only to States in their corporate capacity. Has not every man who has been in our Legislature experienced the truth of this position? It is inseparable from the disposition of bodies, who have a constitutional power of resistance, to examine the merits of a law. This has ever been the case with the federal requisitions. In this examination, not being furnished with those lights which directed the deliberations of the General Government, and incapable of embracing the general interests of the Union, the States have almost uniformly weighed the requisitions by their own local interests, and have only executed them so far as answered their particular convenience or advantage. Hence there have ever been thirteen different bodies to judge of the measures of Congress, and the operations of Government have been distracted by their taking different courses. Those which were to be benefited have complied with the requisitions; others have totally disregarded them. Have not all of us been witnesses to

the unhappy embarrassments which resulted from these proceedings? Even during the late war, while the pressure of common danger connected strongly the bond of our union, and incited to vigorous exertion, we have felt many distressing effects of the important system. How have we seen this State, though most exposed to the calamities of the war, complying, in an unexampled manner, with the federal requisitions, and compelled by the delinquency of others to bear most unusual burdens! Of this truth we have the most solemn proof on our records. In 1779 and 1780, when the State, from the ravages of war, and from her great exertions to resist them, became weak, distressed, and forlorn, every man avowed the principle which we now contend for—that our misfortunes, in a great degree, proceeded from the want of vigor in the Continental Government. These were our sentiments when we did not speculate, but feel. We saw our weakness, and found ourselves its victims. Let us reflect that this may again, in all probability, be our situation. This is not a weak State, and its relative state is dangerous. Your capital is accessible by land, and by sea is exposed to every daring invader; and on the northwest you are open to the inroads of a powerful foreign nation. Indeed, this State, from its situation, will, in time of war, probably be the theatre of its operations.

Gentlemen have said that the noncompliance of the States had been occasioned by their sufferings. This may in part be true. But has this State been delinquent? Amidst all our distresses, we have fully complied. If New York could comply wholly with the requisitions, is it not to be supposed that the other States could in part comply? Certainly every State in the Union might have executed them in some degree. But New Hampshire, which has not suffered at all, is totally delinquent. North Carolina is totally delinquent. Many others have contributed in a very small proportion, and Pennsylvania and New York are the only States which have perfectly discharged their federal duty.

From the delinquency of those States which have suffered little by the war, we naturally conclude that they have made no efforts; and a knowledge of human nature will teach us that their ease and security have been a principal cause of their want of exertion. While danger is distant, its impression is weak; and while it affects only our neighbors, we have few motives to provide against it. Sir, if we have national objects to pursue,

we must have national revenues. If you make requisitions, and they are not complied with, what is to be done? It has been observed, to coerce the States is one of the maddest projects that was ever devised. A failure of compliance will never be confined to a single State. This being the case, can we suppose it wise to hazard a civil war? Suppose Massachusetts, or any large State, should refuse, and Congress should attempt to compel them, would they not have influence to procure assistance, especially from those States which are in the same situation as themselves? What picture does this idea present to our view? A complying State at war with a noncomplying State; Congress marching the troops of one State into the bosom of another; this State collecting auxiliaries, and forming, perhaps, a majority against its federal head. Here is a nation at war with itself. Can any reasonable man be well disposed towards a government which makes war and carnage the only means of supporting itself — a government that can exist only by the sword? Every such war must involve the innocent with the guilty. This single consideration should be sufficient to dispose every peaceable citizen against such a government.

But can we believe that one State will ever suffer itself to be used as an instrument of coercion? The thing is a dream; it is impossible. Then we are brought to this dilemma — either a federal standing army is to enforce the requisitions, or the federal treasury is left without supplies, and the Government without support. What, sir, is the cure for this great evil? Nothing, but to enable the national laws to operate on individuals in the same manner as those of the States do. This is the true reasoning upon the subject, sir. The gentlemen appear to acknowledge its force; and yet, while they yield to the principle, they seem to fear its application to the Government.

What, then, shall we do? Shall we take the old Confederation, as the basis of a new system? Can this be the object of the gentlemen? Certainly not. Will any man who entertains a wish for the safety of his country trust the sword and purse with a single assembly organized on principles so defective — so rotten? Though we might give to such a government certain powers with safety, yet to give them the full and unlimited powers of taxation and the national forces would be to establish a despotism, the definition of which is, a government in which all power is concentred in a single body. To take the old Con-

federation, and fashion it upon these principles, would be establishing a power which would destroy the liberties of the people. These considerations show clearly that a government totally different must be instituted. They had weight in the convention who formed the new system. It was seen that the necessary powers were too great to be trusted to a single body; they therefore formed two branches, and divided the powers, that each might be a check upon the other. This was the result of their wisdom, and I presume that every reasonable man will agree to it. The more this subject is explained, the more clear and convincing it will appear to every member of this body. The fundamental principle of the old Confederation is defective; we must totally eradicate and discard this principle before we can expect an efficient government. The gentlemen who have spoken to-day have taken up the subject of the ancient confederacies; but their view of them has been extremely partial and erroneous. The fact is, the same false and impracticable principle ran through the ancient governments. The first of these governments that we read of was the Amphictyonic confederacy. The council which managed the affairs of this league possessed powers of a similar complexion to those of our present Congress. The same feeble mode of legislation in the head, and the same power of resistance in the members, prevailed. When a requisition was made, it rarely met a compliance; and a civil war was the consequence. Those that were attacked called in foreign aid to protect them; and the ambitious Philip, under the mask of an ally to one, invaded the liberties of each, and finally subverted the whole.

The operation of this principle appears in the same light in the Dutch republics. They have been obliged to levy taxes by an armed force. In this confederacy, one large province, by its superior wealth and influence, is commonly a match for all the rest; and when they do not comply, the province of Holland is obliged to compel them. It is observed that the United Provinces have existed a long time; but they have been constantly the sport of their neighbors, and have been supported only by the external pressure of the surrounding powers. The policy of Europe, not the policy of their government, saved them from dissolution. Besides, the powers of the stadtholder have given energy to the operations of this government, which is not to be found in ours. This prince has a vast personal influence; he has

independent revenues; he commands an army of forty thousand men.

The German Confederacy has also been a perpetual source of wars. It has a diet, like our Congress, which has authority to call for supplies. These calls are never obeyed; and in time of war, the imperial army never takes the field till the enemy are returning from it. The Emperor's Austrian dominions, in which he is an absolute prince, alone enable to make him head against the common foe. The members of this confederacy are ever divided and opposed to each other. The King of Prussia is a member, yet he has been constantly in opposition to the Emperor. Is this a desirable government?

I might go more particularly into the discussion of examples, and show that, wherever this fatal principle has prevailed, even as far back as the Lycian and Achæan leagues, as well as the Amphictyonic confederacy, it has proved the destruction of the government. But I think observations of this kind might have been spared. Had they not been entered into by others, I should not have taken up so much of the time of the committee. No inference can be drawn from these examples, that republics cannot exist; we only contend that they have hitherto been founded on false principles. We have shown how they have been conducted and how they have been destroyed. Weakness in the head has produced resistance in the members; this has been the immediate parent of civil war; auxiliary force has been invited; and foreign power has annihilated their liberties and name. Thus Philip subverted the Amphictyonic, and Rome the Achæan republic.

We shall do well, sir, not to deceive ourselves with the favorable events of the late war. Common danger prevented the operation of the ruinous principle, in its full extent; but, since the peace, we have experienced the evils; we have felt the poison of the system in its unmingled purity.

Without dwelling any longer on this subject, I shall proceed to the question immediately before the committee.

In order that the committee may understand clearly the principles on which the general convention acted, I think it necessary to explain some preliminary circumstances. Sir, the natural situation of this country seems to divide its interests into different classes. There are navigating and non-navigating States. The Northern are properly navigating States; the Southern appear to

possess neither the spirit nor the means of navigation. This difference of situation naturally produces a dissimilarity of interests and views respecting foreign commerce. It was the interest of the Northern States that there should be no restraints on their navigation, and they should have full power, by a majority in Congress, to make commercial regulations in favor of their own, and in restraint of the navigation of the foreigners. The Southern States wish to impose a restraint on the Northern by requiring that two-thirds in Congress should be requisite to pass an act in regulation of commerce. They were apprehensive that the restraints of a navigation law would discourage foreigners, and, by obliging them to employ the shipping of the Northern States, would probably enhance their freight. This being the case, they insisted strenuously on having this provision ingrafted in the Constitution; and the Northern States were as anxious in opposing it. On the other hand, the small States, seeing themselves embraced by the Confederation upon equal terms, wished to retain the advantages which they already possessed. The large States, on the contrary, thought it improper that Rhode Island and Delaware should enjoy an equal suffrage with themselves. From these sources a delicate and difficult contest arose. It became necessary, therefore, to compromise, or the convention must have dissolved without effecting anything. Would it have been wise and prudent in that body, in this critical situation, to have deserted their country? No! Every man who hears me, every wise man in the United States, would have condemned them. The convention was obliged to appoint a committee for accommodation. In this committee the arrangement was formed as it now stands, and their report was accepted. It was a delicate point, and it was necessary that all parties should be indulged. Gentlemen will see that, if there had not been a unanimity, nothing could have been done, for the convention had no power to establish, but only to recommend, a government. Any other system would have been impracticable. Let a convention be called to-morrow; let them meet twenty times,—nay, twenty thousand times; they will have the same difficulties to encounter, the same clashing interests to reconcile.

But, dismissing these reflections, let us consider how far the arrangement is in itself entitled to the approbation of this body. We will examine it upon its own merits.

The first thing objected to is that clause which allows a representation for three-fifths of the negroes. Much has been said of

the impropriety of representing men who have no will of their own. Whether this be reasoning or declaration I will not presume to say. It is the unfortunate situation of the Southern States to have a great part of their population, as well as property, in blacks. The regulation complained of was one result of the spirit of accommodation which governed the convention; and without this indulgence, no union could possibly have been formed. But, sir, considering some peculiar advantages which we derive from them, it is entirely just that they should be gratified. The Southern States possess certain staples,— tobacco, rice, indigo, etc., — which must be capital objects in treaties of commerce with foreign nations; and the advantages which they necessarily procure in those treaties will be felt throughout all the States. But the justice of this plan will appear in another view. The best writers on government have held that representation should be compounded of persons and property. This rule has been adopted, as far as it could be, in the constitution of New York. It will, however, by no means be admitted that the slaves are considered altogether as property. They are men, though degraded to the condition of slavery. They are persons known to the municipal laws of the States which they inhabit, as well as to the laws of nature. But representation and taxation go together, and one uniform rule ought to apply to both. Would it be just to compute these slaves in the assessment of taxes, and discard them from the estimate in the apportionment of representatives? Would it be just to impose a singular burden without conferring some adequate advantage?

Another circumstance ought to be considered. The rule we have been speaking of is a general rule, and applies to all the States. Now, you have a great number of people in your State, which are not represented at all, and have no voice in your government. These will be included in the enumeration — not two-fifths, nor three-fifths, but the whole. This proves that the advantages of the plan are not confined to the Southern States, but extend to other parts of the Union.

I now proceed to consider the objection with regard to the number of representatives, as it now stands. I am persuaded the system, in this respect, stands on a better footing than the gentlemen imagine.

It has been asserted that it will be in the power of Congress to reduce the number. I acknowledge that there are no direct words of prohibition, but contend that the true and genuine con-

struction of the clause gives Congress no power whatever to reduce the representation below the number as it now stands. Although they may limit, they can never diminish the number. One representative for every thirty thousand inhabitants is fixed as the standard of increase; till, by the natural course of population, it will become necessary to limit the ratio. Probably, at present, were this standard to be immediately applied, the representation would considerably exceed sixty-five. In three years, it would exceed one hundred. If I understand the gentlemen, they contend that the number may be enlarged, or may not. I admit that this is in the discretion of Congress, and I submit to the committee whether it be not necessary and proper. Still, I insist that an immediate limitation is not probable, nor was it in the contemplation of the convention. But, sir, who will presume to say to what precise point the representation ought to be increased? This is a matter of opinion, and opinions are vastly different upon the subject. A proof of this is drawn from the representations in the State legislatures. In Massachusetts, the assembly consists of about three hundred; in South Carolina, of nearly one hundred; in New York, there are sixty-five. It is observed generally that the number ought to be large; let the gentlemen produce their criterion. I confess it is difficult for me to say what number may be said to be sufficiently large. On one hand, it ought to be considered that a small number will act with more facility, system, and decision; on the other, that a large one may enhance the difficulty of corruption. The Congress is to consist, at first, of ninety-one members. This, to a reasonable man, may appear as near the proper medium as any number whatever — at least for the present. There is one source of increase, also, which does not depend upon any constructions of the Constitution; it is the creation of new States. Vermont, Kentucky, and Franklin will probably become independent. New members of the Union will also be formed from the unsettled tracts of western territory.

These must be represented, and will all contribute to swell the federal legislature. If the whole number in the United States be, at present, three millions, as is commonly supposed, according to the ratio of one for thirty thousand, we shall have, on the first census, a hundred representatives. In ten years, thirty more will be added; and in twenty-five years the number will be double. Then, sir, we shall have two hundred, if the

increase go on in the same proportion. The convention of Massachusetts, who made the same objections, have fixed upon this number as the point to which they chose to limit the representation. But can we pronounce, with certainty, that it will not be expedient to go beyond this number? We cannot. Experience alone must determine. This matter may, with more safety, be left to the discretion of the legislature, as it will be the interest of the large and increasing States of Massachusetts, New York, Pennsylvania, etc., to augment the representation. Only Connecticut, Rhode Island, Delaware, and Maryland, can be interested in limiting it. We may, therefore, safely calculate upon a growing representation, according to the advance of population, and the circumstances of the country.

The State governments possess inherent advantages, which will ever give them an influence and ascendency over the National Government, and will forever preclude the possibility of federal encroachments. That their liberties, indeed, can be subverted by the federal head is repugnant to every rule of political calculation. Is not this arrangement, then, sir, a most wise and prudent one? Is not the present representation fully adequate to our present exigencies, and sufficient to answer all the purposes of the Union? I am persuaded that an examination of the objects of the Federal Government will afford a conclusive answer.

ANDREW HAMILTON

(1676–1741)

T THE January term of the Supreme Court of New York in the eighth year of the reign of George II. (1735), John Peter Zenger, printer of the New York Weekly Journal, was indicted for "being a seditious person and a frequent printer of false news and seditious libels," but more especially for traducing, scandalizing, and vilifying his Excellency, William Cosby, Captain-General and Governor-in-Chief of said Province, by saying, among other things, that the people of New York thought their liberties precarious under his Excellency, and that they and their children were likely to be "brought into slavery if some past things be not amended — meaning many of the past proceedings of his Excellency, the said Governor."

When the case was brought to trial, the disaffected element of the city brought over from Philadelphia to defend Zenger, Andrew Hamilton, Esquire, then a leader of the bar of that city, celebrated for his eloquence and his courage. He spoke with such effect that, after the verdict of acquittal, his New York admirers presented him with the freedom of the city, in a gold box. His speech was circulated throughout the Colonies and reprinted in England. Perhaps no other single document on record prior to 1750 does as much to explain American history.

Hamilton, who, because of this speech, was called by Governor Morris "the day star of the American Revolution," was born in England. He left it because, as he said in an address to the Pennsylvania legislature in 1739, "the love of liberty drew me, as it constantly prevailed on me to reside in the Provinces, though to the manifest injury of my fortunes." He settled first in Virginia and married a lady of fortune there, after which he removed to Philadelphia and easily took his place at the head of its bar. In 1717 he was made Attorney-General of Pennsylvania, and he afterwards held other offices of trust under the governments both of Philadelphia and of the Province.

When appealed to in the case of Zenger, he refused to accept pay for his services, but went at his own expense to defend the principles which afterwards resulted in the American Revolution as they had already resulted in that against the Stuarts. He had the court

against him, and knowing that it was so, he appealed to the jury to judge the facts on their merits and the law on its justice or injustice, in spite of the court. His boldness and his eloquence won the case and acquitted Zenger at a time when it was not allowed to plead the truth in defending on a charge of libel and sedition. There is a mystery attaching to Hamilton's birth and education which has never been cleared up. He was at one time known as Trent. That he was highly educated, his speech in the case of Zenger shows. It compares in eloquence, in the dignity of its language, and in the handling of its facts, with Erskine's best efforts while at its climaxes, it has greater fire and force than characterizes even Erskine's pleas in similar cases.

In 1737 Hamilton was appointed judge of the Pennsylvania vice-admiralty court. He died four years later.

IN THE CASE OF ZENGER—FOR FREE SPEECH IN AMERICA

(From the Speech «Delivered at the Trial of John Peter Zenger, Printer, of New York, for Printing and Publishing a Libel Against the Government; Before the Honorable James de Lancey, Chief-Justice of the Province of New York, and the Honorable Frederick Phillipse, Second Judge; at New York, August 4th: 9 George II., A. D. 1735»)

May it please your honors, I agree with Mr. Attorney [Richard Bradley] that government is a sacred thing, but I differ very widely from him when he would insinuate that the just complaints of a number of men, who suffer under a bad administration, is libeling that administration. Had I believed that to be law, I should not have given the court the trouble of hearing anything that I could say in this cause. I own when I read the information, I had not the art to find out (without the help of Mr. Attorney's innuendos) that the Governor was the person meant in every period of that newspaper; and I was inclined to believe that they were written by some, who, from an extraordinary zeal for liberty, had misconstrued the conduct of some persons in authority into crimes; and that Mr. Attorney [the Attorney-General R. Bradley], out of his too great zeal for power, had exhibited this information to correct the indiscretion of my client, and at the same time to show his superiors the great concern he had, lest they should be treated with any undue freedom. But from what Mr. Attorney has just now said, to wit, that this prosecution was directed by the Governor and council.

and from the extraordinary appearance of people of all conditions which I observe in court upon this occasion, I have reason to think that those in the administration have by this prosecution something more in view, and that the people believe they have a good deal more at stake than I apprehended; and therefore, as it is become my duty to be both plain and particular in this cause, I beg leave to bespeak the patience of the court.

I was in hopes, as that terrible court, where those dreadful judgments were given, and that law established, which Mr. Attorney has produced for authorities to support this cause, was long ago laid aside, as the most dangerous court to the liberties of the people of England that ever was known in that kingdom, that Mr. Attorney, knowing this, would not have attempted to set up a Star Chamber here, nor to make their judgments a precedent to us; for it is well known that what would have been judged treason in those days for a man to speak, I think, has since, not only been practiced as lawful, but the contrary doctrine has been held to be law.

In Brewster's case, for printing that the subjects might defend their rights and liberties by arms, in case the King should go about to destroy them, he was told by the Chief-Justice that it was a great mercy he was not proceeded against for his life; for that to say the King could be resisted by arms in any case whatsoever was express treason. And yet we see, since that time Doctor Sacheverell was sentenced in the highest court in Great Britain for saying that such a resistance was not lawful. Besides, as Times have made very great changes in the laws of England, so, in my opinion, there is good reason that Places should do so too. . . .

There is heresy in law as well as in religion, and both have changed very much; and we well know that it is not two centuries ago that a man would have been burned as a heretic for owning such opinions in matters of religion as are publicly written and printed at this day. They were fallible men, it seems, and we take the liberty, not only to differ from them in religious opinion, but to condemn them and their opinions too; and I must presume that in taking these freedoms in thinking and speaking about matters of faith or religion, we are in the right; for, though it is said there are very great liberties of this kind taken in New York, yet I have heard of no information preferred by Mr. Attorney for any offenses of this sort. From which I

think it is pretty clear that in New York a man may make very free with his God, but he must take special care what he says of his Governor. It is agreed upon by all men that this is a reign of liberty, and while men keep within the bounds of truth, I hope they may with safety both speak and write their sentiments of the conduct of men of power; I mean of that part of their conduct only which affects the liberty or property of the people under their administration; were this to be denied, then the next step may make them slaves. For what notions can be entertained of slavery, beyond that of suffering the greatest injuries and oppressions, without the liberty of complaining; or if they do, to be destroyed, body and estate, for so doing?

It is said, and insisted upon by Mr. Attorney, that government is a sacred thing; that it is to be supported and reverenced; it is government that protects our persons and estates; that prevents treasons, murders, robberies, riots, and all the train of evils that overturn kingdoms and states, and ruin particular persons; and if those in the administration, especially the supreme magistrates, must have all their conduct censured by private men, government cannot subsist. This is called a licentiousness not to be tolerated. It is said that it brings the rulers of the people into contempt so that their authority is not regarded, and so that in the end the laws cannot be put in execution. These, I say, and such as these, are the general topics insisted upon by men in power and their advocates. But I wish it might be considered at the same time how often it has happened that the abuse of power has been the primary cause of these evils, and that it was the injustice and oppression of these great men which has commonly brought them into contempt with the people. The craft and art of such men are great, and who that is the least acquainted with history or with law can be ignorant of the specious pretenses which have often been made use of by men in power to introduce arbitrary rule and destroy the liberties of a free people. I will give two instances, and as they are authorities not to be denied, or misunderstood, I presume they will be sufficient.

The first is the statute of 3d of Henry VII., cap. i. The preamble of the statute will prove all, and more, than I have alleged. It begins: "The King, our Sovereign Lord, remembereth how by unlawful maintenances, giving of liveries, signs, and tokens, etc., untrue demeanings of sheriffs in making of panels, and other untrue returns, by taking of money, by injuries, by great riots and

unlawful assemblies; the policy and good rule of this realm is almost subdued; and for the not punishing these inconveniences, and by occasion of the premises, little or nothing may be found by inquiry, etc., to the increase of murders, etc., and unsureties of all men living, and losses of their lands and goods." Here is a fine and specious pretense for introducing the remedy, as it is called, which is provided by this act; that is, instead of being lawfully accused by twenty-four good and lawful men of the neighborhood, and afterwards tried by twelve like lawful men, here is a power given to the Lord Chancellor, Lord Treasurer, the keeper of the King's privy seal, or two of them, calling to them a bishop, a temporal lord, and other great men mentioned in the act (who, it is to be observed, were all to be dependants on the court), to receive information against any person for any of the misbehaviors recited in that act, and by their discretion to examine and to punish them according to their demerit.

The second statute I propose to mention is the 11th of the same King, cap. iii., the preamble of which act has the like fair pretenses as the former; for the King calling to his remembrance the good laws made against the receiving of liveries, etc., unlawful extortions, maintenances, embracery, etc., unlawful games, etc., and many other great enormities and offenses committed against many good statutes, to the displeasure of Almighty God, which, the act says, could not, nor yet can, be conveniently punished by the due order of the law, except it were first found by twelve men, etc., which, for the causes aforesaid, will not find nor yet present the truth. And, therefore, the same statute directs that the justices of assize, and justices of the peace, shall, upon information for the King before them made, have full power, by their discretion, to hear and determine all such offenses. Here are two statutes that are allowed to have given the deepest wound to the liberties of the people of England of any that I remember to have been made, unless it may be said that the statute made in the time of Henry VIII., by which his proclamations were to have the effect of laws, might in its consequence be worse. And yet we see the plausible pretenses found out by the great men to procure these acts. And it may justly be said that by those pretenses the people of England were cheated or awed into the delivering up their ancient and sacred right of trials by grand and petit juries. I hope to be excused for this expression, seeing my Lord Coke calls it (4

Inst.) an "unjust and strange act that tended in its execution to the great displeasure of Almighty God and the utter subversion of the common law."

These, I think, make out what I alleged and are flagrant instances of the influence of men in power, even upon the representatives of a whole kingdom. From all which, I hope, it will be agreed that it is a duty which all good men owe to their country, to guard against the unhappy influence of ill men when intrusted with power, and especially against their creatures and dependants, who, as they are generally more necessitous, are surely more covetous and cruel. But it is worthy of observation that though the spirit of liberty was borne down and oppressed in England that time, yet it was not lost, for the Parliament laid hold of the first opportunity to free the subject from the many insufferable oppressions and outrages committed upon their persons and estates by color of these acts, the last of which, being deemed the most grievous, was repealed in the first year of Henry VIII. Though it is to be observed, Henry VII. and his creatures reaped such great advantages by the grievous oppressions and exactions,—grinding the faces of the poor subjects, as my Lord Coke says, by color of this statute, by information only,—that a repeal of this act could never be obtained during the life of that Prince. The other statute, being the favorite law for supporting arbitrary power, was continued much longer. The execution of it was by the great men of the realm; and how they executed it, the sense of the kingdom, expressed in the 7th of Charles I. (by which the Court of Star Chamber, the soil where informations grew rankest), will best declare. In that statute Magna Charta, and the other statutes made in the time of Edward III., which, I think, are no less than five, are particularly enumerated as acts, by which the liberties and privileges of the people of England were secured to them, against such oppressive courts as the Star Chamber, and others of the like jurisdiction. And the reason assigned for their pulling down the Star Chamber is that the proceedings, censures, and decrees of the Court of Star Chamber, even though the great men of the realm (nay, and a bishop too, holy man!) were judges, had by experience been found to be an intolerable burden to the subject, and the means to introduce an arbitrary power and government. And therefore that court was taken away, with all the other courts in that statute mentioned having like jurisdiction.

I do not mention this statute as if by the taking away the Court of Star Chamber the remedy for many of the abuses or offenses censured there was likewise taken away; no, I only intend by it to show that the people of England saw clearly the danger of trusting their liberties and properties to be tried, even by the greatest men in the kingdom, without the judgment of a jury of their equals. They had felt the terrible effects of leaving it to the judgment of these great men to say what was scandalous and seditious, false or ironical. And if the Parliament of England thought this power of judging was too great to be trusted with men of the first rank in the kingdom, without the aid of a jury, how sacred soever their characters might be, and therefore restored to the people their original right of trial by juries, I hope to be excused for insisting that by the judgment of a Parliament, from whence no appeal lies, the jury are the proper judges of what is false, at least, if not of what is scandalous and seditious. This is an authority not to be denied; it is as plain as it is great, and to say that this act, indeed, did restore to the people trials by juries, which was not the practice of the Star Chamber, but that it did not give the jurors any new authority or any right to try matters of law,—I say this objection will not avail; for I must insist that where matter of law is complicated with matter of fact, the jury have a right to determine both. As, for instance, upon indictment for murder, the jury may, and almost constantly do, take upon them to judge whether the evidence will amount to murder or manslaughter, and find accordingly; and I must say, I cannot see why in our case the jury have not at least as good a right to say whether our newspapers are a libel or no libel, as another jury has to say whether killing of a man is murder or manslaughter. The right of the jury to find such a verdict as they in their conscience do think is agreeable to their evidence is supported by the authority of Bushel's case, in Vaughan's Reports, page 135, beyond any doubt. For, in the argument of that case, the chief-justice who delivered the opinion of the court, lays it down for law. (Vaughan's Reports, page 150.) "That in all general issues, as upon *non. cul. in trespass*, *non tort. nul disseizin in assize*, etc., though it is matter of law, whether the defendant is a trespasser, a disseizer, etc., in the particular cases in issue, yet the jury find not (as in a special verdict) the fact of every case, leaving the law to the court; but find for the plaintiff or defendant upon the issue to

be tried, wherein they resolve both law and fact complicately." It appears by the same case, that "though the discreet and lawful assistance of the judge, by way of advice to the jury, may be useful, yet that advice or direction ought always to be upon supposition, and not positive and upon coercion." The reason given in the same book is (pages 144, 147), "because the judge"—as judge—"cannot know what the evidence is which the jury have; that is, he can only know the evidence given in court: but the evidence which the jury have may be of their own knowledge, as they are returned of the neighborhood." They may also know from their own knowledge, that what is sworn in court is not true, and they may know the witness to be stigmatized, to which the court may be strangers. But what is to my purpose is, suppose that the court did really know all the evidence which the jury know, yet in that case it is agreed that the judge and jury may differ in the result of their evidence, as well as two judges may, which often happens. And in page 148 the judge subjoins the reason why it is no crime for a jury to differ in opinion from the court, where he says that a man cannot see with another's eye, nor hear by another's ear; no more can a man conclude or infer the thing by another's understanding or reasoning. From all which (I insist) it is very plain that the jury are by law at liberty, without any affront to the judgment of the court, to find both the law and the fact in our case, as they did in the case I am speaking of, which I will beg leave just to mention, and it was this: Messrs. Penn and Mead being Quakers, and having met in a peaceable manner after being shut out of their meetinghouse, preached in Grace Church Street, in London, to the people of their own persuasion, and for this they were indicted; and it was said that they, with other persons, to the number of three hundred, unlawfully and tumultuously assembled, to the disturbance of the peace, etc. To which they pleaded not guilty. And the petit jury was sworn to try the issue between the King and the prisoners, that is, whether they were guilty according to the form of the indictment. Here there was no dispute, but they were assembled together to the number mentioned in the indictment, but whether that meeting together was riotously, tumultuously, and to the disturbance of the peace, was the question. And the court told the jury it was, and ordered the jury to find it so, for, said the court, the meeting was the matter of fact, and that is confessed, and we tell you it is

unlawful, for it is against the statute; and the meeting being unlawful, it follows, of course, that it was tumultuous and to the disturbance of the peace. But the jury did not think fit to take the court's word for it, for they could neither find riot, tumult, or anything tending to the breach of the peace committed at that meeting, and they acquitted Messrs. Penn and Mead. In doing of which they took upon them to judge both the law and the fact, at which the court, being themselves true courtiers, were so much offended that they fined the jury forty marks apiece, and committed them till paid. But Mr. Bushel, who valued the right of a juryman and the liberty of his country more than his own, refused to pay the fine, and was resolved, though at a great expense and trouble too, to bring, and did bring, his *habeas corpus* to be relieved from his fine and imprisonment, and he was released accordingly; and this being the judgment in his case, it is established for law that the judges, how great soever they be, have no right to fine, imprison, or punish a jury for not finding a verdict according to the direction of the court. And this, I hope, is sufficient to prove that jurymen are to see with their own eyes, to hear with their own ears, and to make use of their own consciences and understandings in judging of the lives, liberties, or estates of their fellow-subjects. And so I have done with this point.

This is the second information for libeling of a Governor that I have known in America. And the first, though it may look like a romance, yet, as it is true, I will beg leave to mention it. Governor Nicholson, who happened to be offended with one of his clergy, met him one day upon the road; and as it was usual with him (under the protection of his commission), used the poor parson with the worst of language, threatened to cut off his ears, slit his nose, and, at last, to shoot him through the head. The parson, being a reverend man, continued all this time uncovered in the heat of the sun, until he found an opportunity to fly for it; and coming to a neighbor's house felt himself very ill of a fever, and immediately wrote for a doctor; and that his physician might be the better judge of his distemper, he acquainted him with the usage he had received, concluding that the Governor was certainly mad, for that no man in his senses would have behaved in that manner. The doctor, unhappily, showed the parson's letter; the Governor came to hear of it, and so an information was preferred against the poor man for saying he believed the Governor

was mad; and it was laid in the information to be false, scandalous, and wicked, and written with intent to move sedition among the people, and bring his Excellency into contempt. But, by an order from the late Queen Anne, there was a stop put to the prosecution, with sundry others set on foot by the same Governor against gentlemen of the greatest worth and honor in that government.

And may not I be allowed, after all this, to say that, by a little countenance, almost anything which a man writes may, with the help of that useful term of art called an innuendo, be construed to be a libel, according to Mr. Attorney's definition of it; that whether the words are spoken of a person of a public character, or of a private man, whether dead or living, good or bad, true or false, all make a libel; for, according to Mr. Attorney, after a man hears a writing read, or reads and repeats it, or laughs at it, they are all punishable. It is true, Mr. Attorney is so good as to allow, after the party knows it to be a libel; but he is not so kind as to take the man's word for it.

If a libel is understood in the large and unlimited sense urged by Mr. Attorney, there is scarce a writing I know that may not be called a libel, or scarce any person safe from being called to account as a libeler; for Moses, meek as he was, libeled Cain; and who is it that has not libeled the devil? For, according to Mr. Attorney, it is no justification to say one has a bad name. Echard has libeled our good King William; Burnet has libeled, among many others, King Charles and King James; and Rapin has libeled them all. How must a man speak or write, or what must he hear, read, or sing? Or when must he laugh, so as to be secure from being taken up as a libeler? I sincerely believe that were some persons to go through the streets of New York nowadays and read a part of the Bible, if it were not known to be such, Mr. Attorney, with the help of his innuendos, would easily turn it into a libel. As for instance: Isaiah xi. 16. "The leaders of the people cause them to err, and they that are led by them are destroyed." But should Mr. Attorney go about to make this a libel, he would read it thus: "The leaders of the people" (*innuendo*, the Governor and council of New York) "cause them" (*innuendo*, the people of this province) "to err, and they" (the Governor and council meaning) "are destroyed" (*innuendo*, are deceived into the loss of their liberty), "which is the worst kind of destruction." Or if some person should publicly repeat,

in a manner not pleasing to his betters, the tenth and the eleventh verses of the fifty-sixth chapter of the same book, there Mr. Attorney would have a large field to display his skill in the artful application of his innuendos. The words are: "His watchmen are blind, they are ignorant," etc. "Yea, they are greedy dogs, they can never have enough." But to make them a libel, there is, according to Mr. Attorney's doctrine, no more wanting but the aid of his skill in the right adapting his innuendos. As, for instance, "His watchmen" (*innuendo*, the Governor's council and assembly) "are blind, they are ignorant" (*innuendo*, will not see the dangerous designs of his Excellency). "Yea, they (the Governor and council, meaning) "are greedy dogs, which can never have enough" (*innuendo*, enough of riches and power). Such an instance as this seems only fit to be laughed at, but I may appeal to Mr. Attorney himself whether these are not at least equally proper to be applied to his Excellency and his ministers as some of the inferences and innuendos in his information against my client. Then, if Mr. Attorney be at liberty to come into court and file an information in the King's name without leave, who is secure whom he is pleased to prosecute as a libeler? And as the crown law is contended for in bad times, there is no remedy for the greatest oppression of this sort, even though the party prosecuted be acquitted with honor. And give me leave to say, as great men as any in Britain have boldly asserted that the mode of prosecuting by information (when a grand jury will not find *billa vera*) is a national grievance and greatly inconsistent with that freedom which the subjects of England enjoy in most other cases. But if we are so unhappy as not to be able to ward off this stroke of power directly, let us take care not to be cheated out of our liberties by forms and appearances; let us always be sure that the charge in the information is made out clearly, even beyond a doubt; for, though matters in the information may be called form upon trial, yet they may be, and often have been found to be, matters of substance upon giving judgment.

Gentlemen, the danger is great in proportion to the mischief that may happen through our too great credulity. A proper confidence in a court is commendable, but as the verdict (whatever it is) will be yours, you ought to refer no part of your duty to the discretion of other persons. If you should be of opinion that there is no falsehood in Mr. Zenger's papers, you will, nay,

(pardon me for the expression) you ought to say so; because you do not know whether others (I mean the court) may be of that opinion. It is your right to do so, and there is much depending upon your resolution, as well as upon your integrity.

The loss of liberty to a generous mind is worse than death; and yet we know there have been those in all ages who, for the sake of preferment, or some imaginary honor, have freely lent a helping hand to oppress, nay, to destroy their country. This brings to my mind that saying of the immortal Brutus, when he looked upon the creatures of Cæsar, who were very great men, but by no means good men: "You Romans," said Brutus, "if yet I may call you so, consider what you are doing; remember that you are assisting Cæsar to forge those very chains which one day he will make yourselves wear." This is what every man that values freedom ought to consider; he should act by judgment and not by affection or self-interest; for where those prevail, no ties of either country or kindred are regarded; as upon the other hand, the man who loves his country prefers its liberty to all other considerations, well knowing that without liberty life is a misery.

A famous instance of this you will find in the history of another brave Roman, of the same name; I mean Lucius Junius Brutus, whose story is well known; and, therefore, I shall mention no more of it than only to show the value he put upon the freedom of his country. This great man, with his fellow-citizens, whom he had engaged in the cause, had banished Tarquin the Proud, the last king of Rome, from a throne which he ascended by inhuman murders, and possessed by the most dreadful tyranny and proscriptions, and had by this means amassed incredible riches, even sufficient to bribe to his interest many of the young nobility of Rome, to assist him in recovering the crown. But the plot being discovered, the principal conspirators were apprehended, among whom were two of the sons of Junius Brutus. It was absolutely necessary that some should be made examples of, to deter others from attempting the restoration of Tarquin and destroying the liberty of Rome. And to effect this it was that Lucius Junius Brutus, one of the consuls of Rome, in the presence of the Roman people, sat as judge and condemned his own sons as traitors to their country; and to give the last proof of his exalted virtue, and his love of liberty, he with a firmness of mind (only becoming so great a man) caused

their heads to be struck off in his own presence; and when he observed that his rigid virtue occasioned a sort of horror among the people, it is observed he only said: "My fellow-citizens, do not think that this proceeds from any want of natural affection; no, the death of the sons of Brutus can affect Brutus only; but the loss of liberty will affect my country." Thus highly was liberty esteemed in those days, that a father could sacrifice his sons to save his country. But why do I go to heathen Rome to bring instances of the love of liberty? The best blood of Britain has been shed in the cause of liberty; and the freedom we enjoy at this day may be said to be (in a great measure) owing to the glorious stand the famous Hampden, and others of our countrymen, in the case of ship-money, made against the arbitrary demands and illegal impositions of the times in which they lived; who, rather than give up the rights of Englishmen and submit to pay an illegal tax of no more, I think, than three shillings, resolved to undergo, and, for the liberty of their country, did undergo, the greatest extremities in that arbitrary and terrible court of Star Chamber; to whose arbitrary proceedings (it being composed of the principal men of the realm and calculated to support arbitrary government) no bounds or limits could be set, nor could any other hand remove the evil but a parliament.

Power may justly be compared to a great river; while kept within its bounds, it is both beautiful and useful, but when it overflows its banks, it is then too impetuous to be stemmed; it bears down all before it, and brings destruction and desolation wherever it comes. If, then, this be the nature of power, let us at least do our duty, and, like wise men who value freedom, use our utmost care to support liberty, the only bulwark against lawless power, which, in all ages, has sacrificed to its wild lust and boundless ambition the blood of the best men that ever lived.

I hope to be pardoned, sir, for my zeal upon this occasion. It is an old and wise caution that "when our neighbor's house is on fire, we ought to take care of our own." For though, blessed be God, I live in a government where liberty is well understood and freely enjoyed, yet experience has shown us all (I am sure it has to me) that a bad precedent in one government is soon set up for an authority in another; and therefore I cannot but think it mine, and every honest man's duty, that, while we pay all due obedience to men in authority, we ought,

at the same time, to be upon our guard against power wherever we apprehend that it may affect ourselves or our fellow-subjects.

I am truly very unequal to such an undertaking, on many accounts. And you see I labor under the weight of many years and am borne down with great infirmities of body; yet old and weak as I am, I should think it my duty, if required, to go to the utmost part of the land, where my service could be of any use in assisting to quench the flame of prosecutions upon informations, set on foot by the Government to deprive a people of the right of remonstrating, and complaining too, of the arbitrary attempts of men in power. Men who injure and oppress the people under their administration provoke them to cry out and complain, and then make that very complaint the foundation for new oppressions and prosecutions. I wish I could say there were no instances of this kind. But, to conclude, the question before the court, and you, gentlemen of the jury, is not of small nor private concern; it is not the cause of a poor printer, nor of New York alone, which you are now trying. No! It may, in its consequence, affect every free man that lives under a British Government on the main continent of America. It is the best cause; it is the cause of liberty; and I make no doubt but your upright conduct, this day, will not only entitle you to the love and esteem of your fellow-citizen, but every man who prefers freedom to a life of slavery will bless and honor you as men who have baffled the attempt of tyranny, and, by an impartial and uncorrupt verdict, have laid a noble foundation for securing to ourselves, our posterity, and our neighbors, that to which nature and the laws of our country have given us a right — the liberty both of exposing and opposing arbitrary power (in these parts of the world, at least) by speaking and writing truth.

JOHN HAMPDEN

(1594–1643)

BY REFUSING to pay an unlawfully levied tax, amounting in his case only to a few shillings, John Hampden forced the dethronement of Charles I. and the repudiation by the modern world of the theory of Royal Infallibility and the Divine Right of Kings. He was born in London in 1594, and in his twenty-seventh year entered Parliament as one of the leaders of the Popular party. In 1637, when the King attempted to collect the "Ship-Money" tax, levied by him without an act of Parliament, under the plea of urgent necessity, Hampden refused to pay, and the result was the celebrated "Ship-Money" case, in which he was defendant before the Court of Exchequer. The adverse verdict given by that court was canceled by the House of Lords in 1641. Hampden took the field for Parliament when the appeal was made to arms, and on June 18th, 1643, he fell at Chalgrove field. England has produced no greater patriot.

After the "Grand Remonstrance," Hampden was one of the five parliamentary leaders whom the King ineffectually attempted to impeach. Hampden's protest, delivered in Parliament just before the King left London, is a model of self-restraint. In explaining why he attempted the impeachment, the King declared that: "Those men and their adherents were looked upon by the affrighted vulgar as greater protectors of their laws and liberties than myself, and so worthier of their protection."

A PATRIOT'S DUTY DEFINED

(Delivered in the English Parliament, Against His Own Impeachment, January 4th, 1641)

Mr. Speaker:—

IT IS a true saying of a wise man, that all things happen alike to all men, as well to the good man as to the bad; there is no state or condition whatsoever, either of prosperity or adversity, but all sorts of men are sharers in the same; no man can be discerned truly by the outward appearance, whether he

be a good subject either to his God, his prince, or his country, until he be tried by the touchstone of loyalty: give me leave, I beseech you, to parallel the lives of either sort, that we may, in some measure, discern truth from falsehood, and in speaking I shall similize their lives.

1. In religion towards God. 2. In loyalty and true subjection to their sovereign; in their affection towards the safety of their country.

1. Concerning religion, the best means to discern between the true and false religion is by searching the sacred writing of the Old and New Testaments, which is of itself pure, indited by the spirit of God, and written by holy men, unspotted in their lives and conversations; and by this sacred word may we prove whether our religion be of God or no; and by looking in this glass, we may discern whether we are in the right way or no.

And looking into the same, I find that by this truth of God, that there is but one God, one Christ, one faith, one religion, which is the Gospel of Christ, and the doctrine of the Prophets and the Apostles.

In these two Testaments are contained all things necessary to salvation; if that our religion doth hang upon this doctrine and no other secondary means, then it is true; to which comes nearest the Protestant religion which we profess, as I really and verily believe; and consequently that religion which joineth with this doctrine of Christ and his Apostles the traditions and inventions of men, prayers to the Virgin Mary, angels, saints, that are used in the exercise of their religion, strange and superstitious worshiping, cringing, bowing, creeping to the altar, using pictures, dirges, and such like, cannot be true, but erroneous, nay devilish; and all this is used and maintained in the Church of Rome as necessary to the Scripture, to salvation; therefore it is a false and erroneous church, both in doctrine and discipline, and all other sects and schisms that lean not only on the Scripture, though never so contrary to the Church of Rome, are a false worshiping of God, and not the true religion. And thus much concerning religion, to discern the truth and falsehood thereof.

2. I come now, Mr. Speaker, to the second thing intimated unto you, which was how to discern in a state between good subjects and bad, by their loyalty and due subjection to their lawful sovereign, in which I shall, under favor, observe two things.

First, lawful subjection to a king in his own person, and the commands, edicts, and proclamations of the prince and his privy council.

Second, lawful obedience to the laws, statutes, and ordinances made and enacted by the king and the lords, with the free consent of his great council of state assembled in Parliament.

For the first: to deny a willing and dutiful obedience to a lawful sovereign and his privy council (for as Cambden truly saith, the commands of the lords, privy counselors, and the edicts of the prince are all one, for they are inseparable, the one never without the other), either to defend his royal person and kingdoms against the enemies of the same, either public or private; or to defend the ancient privileges and prerogatives of the king, pertaining and belonging of right to his royal crown, and the maintenance of his honor and dignity; or to defend and maintain true religion established in the land, according to the truth of God, is one sign of an evil and bad subject.

Second, to yield obedience to the commands of a king, if against the true religion, against the ancient and fundamental laws of the land, is another sign of an ill subject.

Third, to resist the lawful power of the king, to raise insurrection against the king, admit him adverse in his religion, to conspire against his sacred person, or any ways to rebel, though commanding things against our consciences in exercising religion, or against the rights and privileges of the subject, is an absolute sign of a disaffected and traitorous subject.

And now having given the signs of discerning evil and disloyal subjects, I shall only give you, in a word or two, the signs of discerning which are loyal and good subjects, only by turning these three signs already shown on the contrary side.

1. He that willingly and cheerfully endeavoreth himself to obey his sovereign's commands for the defense of his own person and kingdoms, for the defense of true religion, for the defense of the laws of his country, is a loyal and good subject.

2. To deny obedience to a king commanding anything against God's true worship and religion, against the ancient and fundamental laws of the land, in endeavoring to perform the same, is a good subject.

3. Not to resist the lawful and royal power of the king, to raise sedition or insurrection against his person, or to set division between the king and his good subjects by rebellion, although

commanding things against conscience in the exercise of religion, or against the rights and privileges of the subject, but patiently for the same to undergo his prince's displeasure, whether it be to his imprisonment, confiscation of goods, banishment, or any other punishment whatsoever, without murmuring, grudging, or reviling against his sovereign or his proceedings, but submitting willingly and cheerfully himself and his cause to Almighty God, is the only sign of an obedient and loyal subject.

I come now to the second means to know the difference between a good subject and a bad, by their obedience to the laws, statutes, and ordinances made by the king with the whole consent of his Parliament. And in this I observe a twofold subjection in the particular members thereof, dissenting from the general votes of the whole Parliament. And, secondly, the whole state of the kingdom to a full Parliament.

First, I confess, if any particular member of a Parliament, although his judgment and vote be contrary, do not willingly submit to the rest, he is an ill subject to the king and country.

Second, to resist the ordinance of the whole state of the kingdom, either by stirring up a dislike in the heart of his Majesty's subjects of the proceedings of Parliament; to endeavor by levying of arms to compel the king and Parliament to make such laws as seem best to them; to deny the power, authority, and privileges of Parliament; to call aspersions upon the same, and proceedings, thereby inducing the king to think ill of the same, and to be incensed against the same; to procure the untimely dissolution and breaking off of the Parliament before all things be settled by the same, for the safety and tranquillity both of king and state, is an apparent sign of a traitorous and disloyal subject against his king and country.

And having thus troubled your patience, in showing the difference between true Protestants and false, loyal subjects and traitors, in a state or kingdom, and the means how to discern them, I humbly desire my actions may be compared with either, both as I am a subject, Protestant, and native in this country, and as I am a member of this present and happy Parliament; and as I shall be found guilty upon these articles exhibited against myself and the other gentlemen, either a bad or a good subject, to my gracious sovereign and native country, I am ready to receive such sentence upon the same as by this honorable House shall be conceived to agree with law and justice.

JOHN HANCOCK

(1737–1793)

JOHN HANCOCK, President of the Continental Congress and first signer of the Declaration of Independence, made, on March 5th, 1774, a speech on the Anniversary of the Boston Massacre which became historic as the first adequate expression of American detestation of standing armies. He was a deliberate thinker and his speeches show a related deliberation of expression, but he could use metaphors which were likely to be greatly admired by an audience of that day in sympathy with his views — as when in his Boston Massacre address he said: "Death is a creature of the poltroon's brains; 'tis immortality to sacrifice ourselves for the salvation of our country. We fear not death. That gloomy night, the pale-faced moon, and the affrighted stars that hurried through the sky can witness that we fear not death."

He was born at Quincy, Massachusetts, January 12th, 1737, and died there, October 8th, 1793, after a life of the highest usefulness, during which he had been President of the Provincial Congress of 1774 and 1775, President of the Continental Congress from 1775 to 1777, signer of the Declaration of Independence in 1776, and in 1788 chairman of the Massachusetts Convention which ratified the Federal Constitution.

MOVING THE ADOPTION OF THE FEDERAL CONSTITUTION

(Delivered in the Massachusetts Convention of 1788)

Gentlemen: —

BEING now called upon to bring the subject under debate to a decision, by bringing forward the question, I beg your indulgence to close the business with a few remarks. I am happy that my health has been so far restored that I am rendered able to meet my fellow-citizens as represented in this convention. I should have considered it as one of the most distressing misfortunes of my life to be deprived of giving my aid and support to a system which, if amended (as I feel assured it will be)

according to your proposals, cannot fail to give the people of the United States a greater degree of political freedom, and eventually as much national dignity as falls to the lot of any nation on earth. I have not, since I had the honor to be in this place, said much on the important subject before us. All the ideas appertaining to the system, as well those which are against as for it, have been debated upon with so much learning and ability that the subject is quite exhausted.

But you will permit me, gentlemen, to close the whole with one or two general observations. This I request, not expecting to throw any new light on the subject, but because it may possibly prevent uneasiness and discordance from taking place amongst us and amongst our constituents.

That a general system of government is indispensably necessary to save our country from ruin is agreed upon all sides. That the one now to be decided upon has its defects, all agree; but when we consider the variety of interests and the different habits of the men it is intended for, it would be very singular to have an entire union of sentiment respecting it. Were the people of the United States to delegate the powers proposed to be given to men who were not dependent on them frequently for elections,— to men whose interest, either from rank or title, would differ from that of their fellow-citizens in common,— the task of delegating authority would be vastly more difficult; but, as the matter now stands, the powers reserved by the people render them secure, and, until they themselves become corrupt, they will always have upright and able rulers. I give my assent to the Constitution in full confidence that the amendments proposed will soon become a part of the system. These amendments being in no wise local, but calculated to give security and ease alike to all the States, I think that all will agree to them.

Suffer me to add that, let the question be decided as it may, there can be no triumph on the one side or chagrin on the other. Should there be a great division, every good man, every man who loves his country, will be so far from exhibiting extraordinary marks of joy, that he will sincerely lament the want of unanimity, and strenuously endeavor to cultivate a spirit of conciliation, both in convention and at home. The people of this Commonwealth are a people of a great light— of great intelligence in public business. They know that we have none of us an interest separate from theirs; that it must be our happiness

to conduce to theirs; and that we must all rise or fall together. They will never, therefore, forsake the first principle of society — that of being governed by the voice of the majority; and should it be that the proposed form of government should be rejected, they will zealously attempt another. Should it, by the vote now to be taken, be ratified, they will quietly acquiesce, and, where they see a want of perfection in it, endeavor, in a constitutional way, to have it amended.

The question now before you is such as no other nation on earth, without the limits of America, has ever had the privilege of deciding upon. As the Supreme Ruler of the universe has seen fit to bestow upon us this glorious opportunity, let us decide upon it, appealing to him for the rectitude of our intentions, and in humble confidence that he will yet continue to bless and save our country.

The question being put, whether this convention will accept of the report of the committee, as follows:—

Commonwealth of Massachusetts. In Convention of the Delegates of the People of the Commonwealth of Massachusetts, 1788.

The convention, having impartially discussed and fully considered the Constitution for the United States of America, reported to Congress by the convention of delegates from the United States of America, and submitted to us by a resolution of the General Court of the said Commonwealth, passed the twenty-fifth day of October last past; and acknowledging, with grateful hearts, the goodness of the Supreme Ruler of the universe in affording the people of the United States, in the course of his providence, an opportunity, deliberately and peaceably, without fraud or surprise, of entering into an explicit and solemn compact with each other, by assenting to and ratifying a new Constitution, in order to form a more perfect union, establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessings of liberty to themselves and their posterity, Do, in the name and in behalf of the people of the Commonwealth of Massachusetts, assent to and ratify the said Constitution for the United States of America.

And, as it is the opinion of this convention that certain amendments and alterations in the said Constitution would remove the fears and quiet the apprehensions of many of the good people of the Commonwealth, and more effectually guard against an undue administration of the Federal Government, the convention do therefore

recommend that the following alterations and provisions be introduced into the said Constitution:—

Firstly. That it be explicitly declared that all powers not expressly delegated by the aforesaid Constitution are reserved to the several States, to be by them exercised.

Secondly. That there shall be one representative to every thirty thousand persons, according to the census mentioned in the Constitution, until the whole number of representatives amounts to two hundred.

Thirdly. That Congress do not exercise the powers vested in them by the fourth section of the first article, but in cases where a State shall neglect or refuse to make the regulations therein mentioned, or shall make regulations subversive of the rights of the people to a free and equal representation in Congress, agreeably to the Constitution.

Fourthly. That Congress do not lay direct taxes, but when the moneys arising from the impost and excise are insufficient for the public exigencies, nor then, until Congress shall have first made a requisition upon the States, to assess, levy, and pay their respective proportion of such requisitions, agreeably to the census fixed in the said Constitution, in such way and manner as the legislatures of the States shall think best, and, in such case, if any State shall neglect or refuse to pay its proportion, pursuant to such requisition, then Congress may assess and levy such State's proportion, together with interest thereon, at the rate of six per cent. per annum, from the time of payment prescribed in such requisitions.

Fifthly. That Congress erect no company with exclusive advantages of commerce.

Sixthly. That no person shall be tried for any crime by which he may incur an infamous punishment, or loss of life, until he be first indicted by a grand jury, except in such cases as may arise in the government and regulation of the land and naval forces.

Seventhly. The Supreme Judicial Federal Court shall have no jurisdiction of causes between citizens of different States, unless the matter in dispute, whether it concern the realty or personalty, be of the value of three thousand dollars at the least; nor shall the Federal judicial powers extend to any action between citizens of different States, where the matter in dispute, whether it concern the realty or personalty, is not of the value of fifteen hundred dollars at the least.

Eighthly. In civil actions between citizens of different States, every issue of fact, arising in actions at common law, shall be tried by a jury, if the parties, or either of them, request it.

Ninthly. Congress shall at no time consent that any person holding an office of trust or profit, under the United States, shall accept of a title of nobility, or any other title or office, from any king, prince, or foreign state.

And the convention do, in the name and in the behalf of the people of this Commonwealth, enjoin it upon their representatives in Congress, at all times, until the alterations and provisions aforesaid have been considered, agreeably to the fifth article of the said Con-

stitution, to exert all their influence, and use all reasonable and legal methods, to obtain a ratification of the said alterations and provisions, in such manner as is provided in the said article.

And that the United States, in Congress assembled, may have due notice of the assent and ratification of the said Constitution by this Convention, it is

Resolved, That the assent and ratification aforesaid be engrossed on parchment, together with the recommendation and injunction aforesaid, and with this resolution; and that his excellency, John Hancock, President, and the Honorable William Cushing, Esq., Vice-President of this convention, transmit the same, countersigned by the Secretary of the convention, under their hands and seals, to the United States in Congress assembled.

THE BOSTON MASSACRE

(From the Oration Delivered at Boston, Massachusetts, on the Fifth of March, 1774, the Anniversary of the «Horrid Massacre» of 1770)

Men, Brethren, Fathers, and Fellow-Countrymen:—

THE attentive gravity; the venerable appearance of this crowded audience; the dignity which I behold in the countenances of so many in this great assembly; the solemnity of the occasion upon which we have met together, joined to a consideration of the part I am to take in the important business of this day, fill me with an awe hitherto unknown, and heighten the sense which I have ever had of my unworthiness to fill this sacred desk. But, allured by the call of some of my respected fellow-citizens, with whose request it is always my greatest pleasure to comply, I almost forgot my want of ability to perform what they required. In this situation I find my only support in assuring myself that a generous people will not severely censure what they know was well intended, though its want of merit should prevent their being able to applaud it. And I pray that my sincere attachment to the interest of my country, and the hearty detestation of every design formed against her liberties, may be admitted as some apology for my appearance in this place.

I have always, from my earliest youth, rejoiced in the felicity of my fellow-men; and have ever considered it as the indispensable duty of every member of society to promote, as far as in him lies, the prosperity of every individual, but more especially of the community to which he belongs; and also, as a faithful

subject of the State, to use his utmost endeavors to detect, and having detected, strenuously to oppose every traitorous plot which its enemies may devise for its destruction. Security to the persons and properties of the governed is so obviously the design and end of civil government, that to attempt a logical proof of it would be like burning tapers at noonday, to assist the sun in enlightening the world; and it cannot be either virtuous or honorable to attempt to support a government of which this is not the great and principal basis; and it is to the last degree vicious and infamous to attempt to support a government which manifestly tends to render the persons and properties of the governed insecure. Some boast of being friends to government; I am a friend to righteous government, to a government founded upon the principles of reason and justice; but I glory in publicly avowing my eternal enmity to tyranny. Is the present system, which the British administration have adopted for the government of the Colonies, a righteous government — or is it tyranny? Here suffer me to ask (and would to heaven there could be an answer!) what tenderness, what regard, respect, or consideration has Great Britain shown, in their late transactions, for the security of the persons or properties of the inhabitants of the Colonies? Or rather what have they omitted doing to destroy that security? They have declared that they have ever had, and of right ought ever to have, full power to make laws of sufficient validity to bind the Colonies in all cases whatever. They have exercised this pretended right by imposing a tax upon us without our consent; and lest we should show some reluctance at parting with our property, her fleets and armies are sent to enforce their mad pretensions. The town of Boston, ever faithful to the British Crown, has been invested by a British fleet; the troops of George III. have crossed the wide Atlantic, not to engage an enemy, but to assist a band of traitors in trampling on the rights and liberties of his most loyal subjects in America — those rights and liberties which, as a father, he ought ever to regard, and as a king, he is bound, in honor, to defend from violation, even at the risk of his own life. . . .

Let not the history of the illustrious house of Brunswick inform posterity that a king, descended from that glorious monarch George II., once sent his British subjects to conquer and enslave his subjects in America. But be perpetual infamy entailed upon that villain who dared to advise his master to such execrable

measures; for it was easy to foresee the consequences which so naturally followed upon sending troops into America to enforce obedience to acts of the British Parliament, which neither God nor man ever empowered them to make. It was reasonable to expect that troops, who knew the errand they were sent upon, would treat the people whom they were to subjugate, with a cruelty and haughtiness which too often buries the honorable character of a soldier in the disgraceful name of an unfeeling ruffian. The troops, upon their first arrival, took possession of our Senate House, and pointed their cannon against the judgment hall, and even continued them there whilst the supreme court of judicature for this province was actually sitting to decide upon the lives and fortunes of the King's subjects. Our streets nightly resounded with the noise of riot and debauchery; our peaceful citizens were hourly exposed to shameful insults, and often felt the effects of their violence and outrage. But this was not all: as though they thought it not enough to violate our civil rights, they endeavored to deprive us of the enjoyment of our religious privileges, to vitiate our morals, and thereby render us deserving of destruction. Hence, the rude din of arms which broke in upon your solemn devotions in your temples, on that day hallowed by heaven, and set apart by God himself for his peculiar worship. Hence, impious oaths and blasphemies so often tortured your unaccustomed ear. Hence, all the arts which idleness and luxury could invent were used to betray our youth of one sex into extravagance and effeminacy, and of the other to infamy and ruin; and did they not succeed but too well? Did not a reverence for religion sensibly decay? Did not our infants almost learn to lisp out curses before they knew their horrid import? Did not our youth forget they were Americans, and, regardless of the admonitions of the wise and aged, servilely copy from their tyrants those vices which finally must overthrow the empire of Great Britain? And must I be compelled to acknowledge that even the noblest, fairest, part of all the lower creation did not entirely escape the cursed snare? When virtue has once erected her throne within the female breast, it is upon so solid a basis that nothing is able to expel the heavenly inhabitant. But have there not been some few, indeed, I hope, whose youth and inexperience have rendered them a prey to wretches, whom, upon the least reflection, they would have despised and hated as foes to God and their country? I fear there have been

some such unhappy instances, or why have I seen an honest father clothed with shame; or why a virtuous mother drowned in tears?

But I forbear, and come reluctantly to the transactions of that dismal night, when in such quick succession we felt the extremes of grief, astonishment, and rage; when heaven in anger, for a dreadful moment, suffered hell to take the reins; when Satan, with his chosen band, opened the sluices of New England's blood, and sacrilegiously polluted our land with the dead bodies of her guiltless sons! Let this sad tale of death never be told without a tear; let not the heaving bosom cease to burn with a manly indignation at the barbarous story, through the long tracts of future time; let every parent tell the shameful story to his listening children until tears of pity glisten in their eyes, and boiling passions shake their tender frames; and whilst the anniversary of that ill-fated night is kept a jubilee in the grim court of pandemonium, let all America join in one common prayer to heaven that the inhuman, unprovoked murders of the fifth of March, 1770, planned by Hillsborough, and a knot of treacherous knaves in Boston, and executed by the cruel hand of Preston and his sanguinary coadjutors, may ever stand in history without a parallel. But what, my countrymen, withheld the ready arm of vengeance from executing instant justice on the vile assassins? Perhaps you feared promiscuous carnage might ensue, and that the innocent might share the fate of those who had performed the infernal deed. But were not all guilty? Were you not too tender of the lives of those who came to fix a yoke on your necks? But I must not too severely blame a fault, which great souls only can commit. May that magnificence of spirit which scorns the low pursuits of malice, may that generous compassion which often preserves from ruin, even a guilty villain, forever actuate the noble bosoms of Americans! But let not the miscreant host vainly imagine that we feared their arms. No; them we despised; we dread nothing but slavery. Death is the creature of a poltroon's brains; 'tis immortality to sacrifice ourselves for the salvation of our country. We fear not death. That gloomy night, the pale-faced moon, and the affrighted stars that hurried through the sky, can witness that we fear not death. Our hearts which, at the recollection, glow with rage that four revolving years have scarcely taught us to restrain, can witness that we fear not death; and happy it is for those who dared to

insult us, that their naked bones are not now piled up an everlasting monument of Massachusetts' bravery. But they retired, they fled, and in that flight they found their only safety. We then expected that the hand of public justice would soon inflict that punishment upon the murderers, which, by the laws of God and man, they had incurred. But let the unbiased pen of a Robertson, or perhaps of some equally famed American, conduct this trial before the great tribunal of succeeding generations. And though the murderers may escape the just resentment of an enraged people; though drowsy justice, intoxicated by the poisonous draught prepared for her cup, still nods upon her rotten seat, yet be assured such complicated crimes will meet their due reward. Tell me, ye bloody butchers! ye villains high and low! ye wretches who contrived, as well as you who executed the inhuman deed! do you not feel the goads and stings of conscious guilt pierce through your savage bosoms? Though some of you may think yourselves exalted to a height that bids defiance to human justice, and others shroud yourselves beneath the mask of hypocrisy, and build your hopes of safety on the low arts of cunning, chicanery, and falsehood, yet do you not sometimes feel the gnawings of that worm which never dies? Do not the injured shades of Maverick, Gray, Caldwell, Attucks, and Carr attend you in your solitary walks, arrest you even in the midst of your debaucheries, and fill even your dreams with terror? . . .

Ye dark designing knaves, ye murderers, parricides! how dare you tread upon the earth which has drunk in the blood of slaughtered innocents, shed by your wicked hands? How dare you breathe that air which wafted to the ear of heaven the groans of those who fell a sacrifice to your accursed ambition? But if the laboring earth doth not expand her jaws; if the air you breathe is not commissioned to be the minister of death; yet, hear it and tremble! The eye of heaven penetrates the darkest chambers of the soul, traces the leading clue through all the labyrinths which your industrious folly has devised; and you, however you may have screened yourselves from human eyes, must be arraigned, must lift your hands, red with the blood of those whose death you have procured, at the tremendous bar of God!

But I gladly quit the gloomy theme of death, and leave you to improve the thought of that important day when our naked

souls must stand before that Being from whom nothing can be hid. I would not dwell too long upon the horrid effects which have already followed from quartering regular troops in this town. Let our misfortunes teach posterity to guard against such evils for the future. Standing armies are sometimes (I would by no means say generally, much less universally) composed of persons who have rendered themselves unfit to live in civil society; who have no other motives of conduct than those which a desire of the present gratification of their passions suggests; who have no property in any country; men who have given up their own liberties, and envy those who enjoy liberty; who are equally indifferent to the glory of a George or a Louis; who, for the addition of one penny a day to their wages, would desert from the Christian cross and fight under the crescent of the Turkish Sultan. From such men as these, what has not a State to fear? With such as these usurping Cæsar passed the Rubicon; with such as these, he humbled mighty Rome, and forced the mistress of the world to own a master in a traitor. These are the men whom sceptred robbers now employ to frustrate the designs of God, and render vain the bounties which his gracious hand pours indiscriminately upon his creatures. By these the miserable slaves in Turkey, Persia, and many other extensive countries, are rendered truly wretched; though their air is salubrious, and their soil luxuriously fertile. By these, France and Spain, though blessed by nature with all that administers to the convenience of life, have been reduced to that contemptible state in which they now appear; and by these, Britain,— but if I were possessed of the gift of prophesy, I dare not, except by divine command, unfold the leaves on which the destiny of that once powerful kingdom is inscribed.

But since standing armies are so hurtful to a State, perhaps my countrymen may demand some substitute, some other means of rendering us secure against the incursions of a foreign enemy. But can you be one moment at a loss? Will not a well-disciplined militia afford you ample security against foreign foes? We want not courage; it is discipline alone in which we are exceeded by the most formidable troops that ever trod the earth. Surely our hearts flutter no more at the sound of war than did those of the immortal band of Persia, the Macedonian phalanx, the invincible Roman legions, the Turkish janissaries, the *gens d'armes* of France, or the well-known grenadiers of Britain. A well-

disciplined militia is a safe, an honorable guard to a community like this, whose inhabitants are by nature brave, and are laudably tenacious of that freedom in which they were born. From a well-regulated militia we have nothing to fear; their interest is the same with that of the State. When a country is invaded, the militia are ready to appear in its defense; they march into the field with that fortitude which a consciousness of the justice of their cause inspires; they do not jeopard their lives for a master who considers them only as the instruments of his ambition, and whom they regard only as the daily dispenser of the scanty pittance of bread and water. No; they fight for their houses, their lands, for their wives, their children; for all who claim the tenderest names, and are held dearest in their hearts; they fight *pro aris et focis*, for their liberty, and for themselves, and for their God. And let it not offend if I say that no militia ever appeared in more flourishing condition than that of this province now doth; and pardon me if I say, of this town in particular. I mean not to boast; I would not excite envy, but manly emulation. We have all one common cause; let it, therefore, be our only contest, who shall most contribute to the security of the liberties of America. And may the same kind Providence which has watched over this country from her infant state still enable us to defeat our enemies! I cannot here forbear noticing the signal manner in which the designs of those who wish not well to us have been discovered. The dark deeds of a treacherous cabal have been brought to public view. You now know the serpents who, whilst cherished in your bosoms, were darting their envenomed stings into the vitals of the constitution. But the representatives of the people have fixed a mark on these ungrateful monsters, which, though it may not make them so secure as Cain of old, yet renders them, at least, as infamous. Indeed, it would be effrontive to the tutelar deity of this country even to despair of saving it from all the snares which human policy can lay. . . .

Surely you never will tamely suffer this country to be a den of thieves. Remember, my friends, from whom you sprang. Let not a meanness of spirit, unknown to those whom you boast of as your fathers, excite a thought to the dishonor of your mothers. I conjure you, by all that is dear, by all that is honorable, by all that is sacred, not only that ye pray, but that ye act; that, if

necessary, ye fight, and even die, for the prosperity of our Jerusalem. Break in sunder, with noble disdain, the bonds with which the Philistines have bound you. Suffer not yourselves to be betrayed, by the soft arts of luxury and effeminacy, into the pit digged for your destruction. Despise the glare of wealth. That people who pay greater respect to a wealthy villain than to an honest, upright man in poverty, almost deserve to be enslaved; they plainly show that wealth, however it may be acquired, is, in their esteem, to be preferred to virtue.

But I thank God that America abounds in men who are superior to all temptation, whom nothing can divert from a steady pursuit of the interest of their country, who are at once its ornament and safeguard. And sure I am, I should not incur your displeasure, if I paid a respect, so justly due to their much-honored characters, in this place. But when I name an Adams, such a numerous host of fellow-patriots rush upon my mind, that I fear it would take up too much of your time, should I attempt to call over the illustrious roll. But your grateful hearts will point you to the men; and their revered names, in all succeeding times, shall grace the annals of America. From them let us, my friends, take example; from them let us catch the divine enthusiasm; and feel, each for himself, the godlike pleasure of diffusing happiness on all around us; of delivering the oppressed from the iron grasp of tyranny; of changing the hoarse complaints and bitter moans of wretched slaves into those cheerful songs, which freedom and contentment must inspire. There is a heartfelt satisfaction in reflecting on our exertions for the public weal, which all the sufferings an enraged tyrant can inflict will never take away; which the ingratitude and reproaches of those whom we have saved from ruin cannot rob us of. The virtuous asserter of the rights of mankind merits a reward, which even a want of success in his endeavors to save his country, the heaviest misfortune which can befall a genuine patriot, cannot entirely prevent him from receiving.

I have the most animating confidence that the present noble struggle for liberty will terminate gloriously for America. And let us play the man for our God, and for the cities of our God; while we are using the means in our power, let us humbly commit our righteous cause to the great Lord of the Universe, who loveth righteousness and hateth iniquity. And having secured

the approbation of our hearts, by a faithful and unwearied discharge of our duty to our country, let us joyfully leave our concerns in the hands of him who raiseth up and pulleth down the empires and kingdoms of the world as he pleases; and with cheerful submission to his sovereign will, devoutly say: "Although the fig tree shall not blossom, neither shall fruit be in the vines; the labor of the olive shall fail, and the field shall yield no meat; the flock shall be cut off from the fold, and there shall be no herd in the stalls; yet we will rejoice in the Lord, we will joy in the God of our salvation."

JULIUS CHARLES HARE

(1795–1855)

JULIUS CHARLES HARE, Archdeacon of Lewes, born September 13th, 1795, was one of the most eloquent English divines of the first half of the nineteenth century. To read half a dozen of his sentences is to see that he has the gift of setting his thought to music and that all his prose lacks of being poetry is a more exact metre than he chose to give it. Aside from its intense and delicate melody,—approaching that of Schubert among composers,—his prose has a singular beauty and strength, due to the rapid succession of its monosyllables. His sermon, 'The Children of Light,' delivered before the University of Cambridge in 1828, is one of the best examples of English pulpit oratory. He died January 23d, 1855, leaving numerous memorials of his active career in the shape of sermons, treatises, and essays, among them the 'Guesses at Truth,' of which, with A. W. Hare, he was joint author.

THE CHILDREN OF LIGHT

(Delivered before the University of Cambridge, 1828)

WALK as children of light. This is the simple and beautiful substance of your Christian duty. This is your bright privilege, which, if you use it according to the grace whereby you have received it, will be a prelude and foretaste of the bliss and glory of heaven. It is to light that all nations and languages have had recourse, whenever they wanted a symbol for anything excellent in glory; and if we were to search through the whole of inanimate nature for an emblem of pure unadulterated happiness, where could we find such an emblem, except in light?—traversing the illimitable regions of space with a speed surpassing that of thought, incapable of injury or stain, and, whithersoever it goes, showering beauty and gladness. In order, however, that we may in due time inherit the whole fullness of this radiant beatitude, we must begin by training and fitting ourselves for it. Nothing good bursts forth all at once. The

lightning may dart out of a black cloud; but the day sends his bright heralds before him, to prepare the world for his coming. So should we endeavor to render our lives here on earth as it were the dawn of heaven's eternal day; we should endeavor to walk as children of light. Our thoughts and feelings should all be akin to light, and have something of the nature of light in them; and our actions should be like the action of light itself, and like the action of all those powers and of all those beings which pertain to light, and may be said to form the family of light; while we should carefully abstain and shrink from all such works as pertain to darkness, and are wrought by those who may be called the brood of darkness.

Thus the children of light will walk as having the light of knowledge, steadfastly, firmly, right onward to the end that is set before them. When men are walking in the dark, through an unknown and roadless country, they walk insecurely, doubtingly, timidly. For they cannot see where they are treading; they are fearful of stumbling against a stone, or falling into a pit; they cannot even keep on for many steps certain of the course they are taking. But by day we perceive what is under us and about us, we have the end of our journey, or at least the quarter where it lies, full in view, and we are able to make for it by the safest and speediest way. The very same advantage have those who are light in the Lord, the children of spiritual light, over the children of spiritual darkness. They know whither they are going; to heaven. They know how they are to get there; by him who has declared himself to be the Way; by keeping his word, by walking in his paths, by trusting in his atonement. If you, then, are children of light, if you know all this, walk according to your knowledge, without stumbling or slipping, without swerving or straying, without loitering or dallying by the way, onward and ever onward beneath the light of the Sun of Righteousness, on the road which leads to heaven.

In the next place, the children of light are upright and honest and straightforward and open and frank in all their dealings. There is nothing like lurking or concealment about them, nothing like dissimulation, nothing like fraud or deceit. These are the ministers and the spawn of darkness. It is darkness that hides its face, lest any should be appalled by so dismal a sight; light is the revealer and manifester of all things. It lifts up its brow on high, that all may behold it; for it is conscious that it

has nothing to dread, that the breath of shame cannot soil it. Whereas, the wicked lie in wait, and roam through the dark, and screen themselves therein from the sight of the sun, as though the sun were the only eye wherewith God can behold their doings. It is under the cover of night that the reveler commits his foulest acts of intemperance and debauchery. It is under the cover of night that the thief and murderer prowls about to bereave his brother of his substance or of his life. These children of darkness seek the shades of darkness to hide themselves thereby from the eyes of their fellow-creatures, from the eyes of heaven, nay, even from their own eyes, from the eye of conscience, which, at such a season, they find it easier to hoodwink and blind. They, on the other hand, who walk abroad and ply their tasks during the day, are those by whose labor their brethren are benefited and supported; those who make the earth yield her increase, or who convert her produce into food and clothing, or who minister to such wants as spring up in countless varieties beneath the march of civilized society. Nor is this confined to men; the brute animals seem to be under a similar instinct. The beasts of prey lie in their lair during the daytime and wait for sunset ere they sally out on their destructive wanderings; while the beneficent, household animals, those which are the most useful and friendly to man, are like him in a certain sense children of light, and come forth and go to rest with the sun. They who are conscious of no evil wish or purpose do not shun or shrink from the eyes of others; though never forward in courting notice, they bid it welcome when it chooses to visit them. Our Savior himself tells us that the condemnation of the world lies in this, that although light is come into the world, yet men love darkness rather than the light, because their deeds are evil. Nothing but their having utterly depraved their nature could seduce them into loving what is so contrary and repugnant to it. For every one that doeth evil hateth the light, nor cometh to the light, lest his deeds should be reproved. But he that doeth truth cometh to light, that his deeds may be made manifest, that they are wrought in God. To the same effect, he commands his disciples to let their light so shine before men that they may see their good works, not, however, for any vain, ostentatious, selfish purpose,—this would have been directly against the whole spirit of his teaching,—but in order that men may be moved thereby to glorify God.

For the children of light are also meek and lowly. Even the sun, although he stands up on high, and drives his chariot across the heavens, rather averts observation from himself than attracts it. His joy is to glorify his Maker, to display the beauty, and magnificence, and harmony, and order, of all the works of God. So far, however, as it is possible for him, he withdraws himself from the eyes of mankind; not indeed in darkness, wherein the wicked hide their shame, but in excess of light wherein God himself veils his glory. And if we look at the other children of light, that host of white-robed pilgrims that travel across the vault of the nightly sky, the imagination is unable to conceive anything quieter, and calmer, and more unassuming. They are the exquisite and perfect emblems of meek loveliness and humility in high station. It is only the spurious lights of the fires whereby the earth would mimic the light of heaven, that glare and flare and challenge attention for themselves; while, instead of illuminating the darkness beyond their immediate neighborhood, they merely make it thicker and more palpable; as these lights alone vomit smoke, as these alone ravage and consume.

Again; the children of light are diligent, and orderly, and unwearied in the fulfillment of their duties. Here, also, they take a lesson from the sun, who pursues the path that God has marked out for him, and pours daylight on whatever is beneath him from his everlasting, inexhaustible fountains, and causes the wheel of the seasons to turn round, and summer and winter to perform their annual revolutions, and has never been behindhand in his task, and never slackens, nor faints, nor pauses, nor ever will pause, until the same hand which launched him on his way shall again stretch itself forth to arrest his course. All the children of light are careful to follow their Master's example, and to work his works while it is day; for they know that the night of the grave cometh, when no man can work, and that, unless they are working the works of light, when that night overtakes them, darkness must be their portion forever.

The children of light are likewise pure. For light is not only the purest of all sensuous things, so pure that nothing can defile it, but whatever else is defiled is brought to the light, and the light purifies it. And the children of light know that, although, whatever darkness may cover them will be no darkness to God, it may and will be darkness to themselves. They know

that, although no impurity in which they can bury their souls will be able to hide them from the sight of God, yet it will utterly hide God from their sight. They know that it is only by striving to purify their own hearts, even as God is pure, that they can at all fit themselves for the beatific vision which Christ has promised to the pure in heart.

Cheerfulness, too, is a never-failing characteristic of those who are truly children of light. For is not light at once the most joyous of all things, and the enlivener and gladdener of all nature, animate and inanimate, the dispeller of sickly cares, the calmer of restless disquietudes? Is it not as a bridegroom that the sun comes forth from his chamber?—and does he not rejoice as a giant to run his course? Does not all nature grow bright the moment he looks upon her, and welcome him with smiles? Do not all the birds greet him with their merriest notes? Do not even the tearful clouds deck themselves out in the glowing hues of the rainbow, when he vouchsafes to shine upon them? And shall not man smile with rapture beneath the light of the Sun of Righteousness? Shall he not hail his rising with hymns of praise and psalms of thanksgiving? Shall he not be cheered amid his deepest affliction, when the rays of that Sun fall upon him, and paint the arch of promise on his soul? It cannot be otherwise. Only while we are hemmed in with darkness are we harassed by terrors and misgiving. When we see clearly on every side, we feel bold and assured; nothing can then daunt, nothing can dismay us. Even that sorrow which of all others is the most utterly without hope, the sorrow for sin, is to the children of light the pledge of their future bliss. For with them it is the sorrow which worketh repentance unto salvation; and having the Son of God for their Savior, what can they fear? Or, rather, when they know and feel in their hearts that God has given his only-begotten Son to suffer death for their sakes, how shall they not trust that he, who has given them his Son, will also give them whatsoever is for their real, everlasting good?

Finally, the children of light will also be children of love. Indeed, it is only another name for the same thing. For light is the most immediate outward agent and minister of God's love, the most powerful and rapid diffuser of his blessings through the whole universe of his creation. It blesses the earth, and makes her bring forth herbs and plants. It blesses the herbs

and plants, and makes them bring forth their grain and their fruit. It blesses every living creature, and enables all to support and enjoy their existence. Above all, it blesses man in his goings out and comings in, in his body and in his soul, in his senses and in his imagination, and in his affections; in his social intercourse with his brother, and in his solitary communion with his Maker. Merely blot out light from the earth, and joy will pass away from it; and health will pass away from it; and life will pass away from it; and it will sink back into a confused, turmoiling chaos. In no way can the children of light so well prove that this is, indeed, their parentage, as by becoming the instruments of God in shedding his blessings around them. Light illumines everything, the lowly valley as well as the lofty mountain; it fructifies everything, the humblest herb as well as the lordliest tree; and there is nothing hid from its heat. Nor does Christ the Original, of whom light is the image, make any distinction between the high and the low, between the humble and the lordly. He comes to all, unless they drive him from their doors. He calls to all, unless they obstinately close their ears against him. He blesses all, unless they cast away his blessing. Nay, although they cast it away, he still perseveres in blessing them, even unto seven times, even unto seventy times seven. Ye, then, who desire to be children of light, ye, who would gladly enjoy the full glory and blessedness of that heavenly name, take heed to yourselves, that ye walk as children of light in this respect more especially. No part of your duty is easier; you may find daily and hourly opportunity of practicing it. No part of your duty is more delightful; the joy you kindle in the heart of another cannot fail of shedding back its brightness on your own. No part of your duty is more Godlike. They who attempted to become like God in knowledge fell in the Garden of Eden. They who strove to become like God in power were confounded on the plain of Shinar. They who endeavor to become like God in love, who feel his approving smile and his helping arm, every effort they make will bring them nearer to his presence, and they will find his renewed image grow more and more vivid within them, until the time comes when they, too, shall shine forth as the sun in the kingdom of their Father.

BENJAMIN HARRISON

(1833–)

THE Inaugural Address, delivered on March 4th, 1889, by Benjamin Harrison, twenty-third President of the United States, and grandson of President William Henry Harrison, the ninth President, is much more nearly a model oration than the Inaugurals of most of his predecessors. Its exordium and peroration, both in correct oratorical form, are notable for their eloquence. Although President Harrison has been all his life a ready speaker, his Inaugural is his masterpiece,—the best, as he no doubt intended it should be, of his many recorded addresses. Born at North Bend, Ohio, August 20th, 1833, he graduated at Miami University in 1852, and practiced law in Indianapolis until the Civil War, in which he served from 1862 to 1865 as the commander of a regiment and of a brigade. After an unsuccessful candidacy for Governor of Indiana in 1876, he was elected United States Senator from that State, serving from 1881 to 1887. In 1888 he was the candidate of the Republican party against President Cleveland, who was renominated by the Democrats and beaten, as it has been said, as a result of the same cause which defeated President Harrison in his candidacy for re-election in 1892—the impossibility, under then existing conditions, of any President being elected to succeed himself. Since his retirement from politics, President Harrison has practiced law with marked success.

INAUGURAL ADDRESS

(Delivered March 4th, 1889)

Fellow-Citizens:—

THERE is no constitutional or legal requirement that the President shall take the oath of office in the presence of the people, but there is so manifest an appropriateness in the public induction to office of the chief executive officer of the nation that from the beginning of the Government the people, to whose service the official oath consecrates the officer, have been called to witness the solemn ceremonial. The oath taken in the presence of the people becomes a mutual covenant. The officer

covenants to serve the whole body of the people by a faithful execution of the laws, so that they may be the unfailing defense and security of those who respect and observe them, and that neither wealth, station, nor the power of combinations shall be able to evade their just penalties or to wrest them from a beneficent public purpose to serve the ends of cruelty or selfishness.

My promise is spoken; yours unspoken, but not the less real and solemn. The people of every State have here their representatives. Surely I do not misinterpret the spirit of the occasion when I assume that the whole body of the people covenant with me and with each other to-day to support and defend the Constitution and the Union of the States, to yield willing obedience to all the laws and each to every other citizen his equal civil and political rights. Entering thus solemnly into covenant with each other, we may reverently invoke and confidently expect the favor and help of Almighty God — that he will give to me wisdom, strength, and fidelity, and to our people a spirit of fraternity and a love of righteousness and peace.

This occasion derives peculiar interest from the fact that the presidential term, which begins this day, is the twenty-sixth under our Constitution. The first inauguration of President Washington took place in New York, where Congress was then sitting, on the thirtieth day of April, 1789, having been deferred by reason of delays attending the organization of Congress and the canvass of the electoral vote. Our people have already worthily observed the centennials of the Declaration of Independence, of the Battle of Yorktown, and of the Adoption of the Constitution, and will shortly celebrate in New York the institution of the second great department of our constitutional scheme of government. When the centennial of the institution of the judicial department, by the organization of the Supreme Court, shall have been suitably observed, as I trust it will be, our nation will have fully entered its second century.

I will not attempt to note the marvelous and, in great part, happy contrasts between our country as it steps over the threshold into its second century of organized existence under the Constitution and that weak but wisely ordered young nation that looked undauntedly down the first century, when all its years stretched out before it.

Our people will not fail at this time to recall the incidents which accompanied the institution of government under the Con-

stitution, or to find inspiration and guidance in the teachings and example of Washington and his great associates, and hope and courage in the contrast which thirty-eight populous and prosperous States offer to the thirteen States, weak in everything except courage and the love of liberty, that then fringed our Atlantic seaboard.

The Territory of Dakota has now a population greater than any of the original States (except Virginia), and greater than the aggregate of five of the smaller States in 1790. The centre of population when our national capital was located was east of Baltimore, and it was argued by many well-informed persons that it would move eastward rather than westward; yet in 1880 it was found to be near Cincinnati, and the new census about to be taken will show another stride to the westward. That which was the body has come to be only the rich fringe of the nation's robe. But our growth has not been limited to territory, population, and aggregate wealth, marvelous as it has been in each of those directions. The masses of our people are better fed, clothed, and housed than their fathers were. The facilities for popular education have been vastly enlarged and more generally diffused.

The virtues of courage and patriotism have given recent proof of their continued presence and increasing power in the hearts and over the lives of our people. The influences of religion have been multiplied and strengthened. The sweet offices of charity have greatly increased. The virtue of temperance is held in higher estimation. We have not attained an ideal condition. Not all of our people are happy and prosperous; not all of them are virtuous and law-abiding. But on the whole, the opportunities offered to the individual to secure the comforts of life are better than are found elsewhere, and largely better than they were here one hundred years ago.

The surrender of a large measure of sovereignty to the General Government, effected by the adoption of the Constitution, was not accomplished until the suggestions of reason were strongly re-enforced by the more imperative voice of experience. The divergent interests of peace speedily demanded a "more perfect Union." The merchant, the shipmaster, and the manufacturer discovered and disclosed to our statesmen and to the people that commercial emancipation must be added to the political freedom which had been so bravely won. The commercial

policy of the mother country had not relaxed any of its hard and oppressive features. To hold in check the development of our commercial marine, to prevent or retard the establishment and growth of manufactures in the States, and so to secure the American market for their shops and the carrying trade for their ships, was the policy of European statesmen, and was pursued with the most selfish vigor.

Petitions poured in upon Congress urging the imposition of discriminating duties that should encourage the production of needed things at home. The patriotism of the people, which no longer found a field of exercise in war, was energetically directed to the duty of equipping the young Republic for the defense of its independence by making its people self-dependent. Societies for the promotion of home manufactures and for encouraging the use of domestics in the dress of the people were organized in many of the States. The revival at the end of the century of the same patriotic interest in the preservation and development of domestic industries and the defense of our working people against injurious foreign competition is an incident worthy of attention. It is not a departure but a return that we have witnessed. The protective policy had then its opponents. The argument was made, as now, that its benefits inured to particular classes or sections.

If the question became in any sense or at any time sectional, it was only because slavery existed in some of the States. But for this there was no reason why the cotton-producing States should not have led or walked abreast with the New England States in the production of cotton fabrics. There was this reason only why the States that divide with Pennsylvania the mineral treasures of the great southeastern and central mountain ranges should have been so tardy in bringing to the smelting furnace and to the mill the coal and iron from their near opposing hillsides. Mill fires were lighted at the funeral pile of slavery. The Emancipation Proclamation was heard in the depths of the earth as well as in the sky; men were made free, and material things became our better servants.

The sectional element has happily been eliminated from the tariff discussion. We have no longer States that are necessarily only planting States. None are excluded from achieving that diversification of pursuits among the people which brings wealth and contentment. The cotton plantation will not be less valuable when the product is spun in the country town by operatives

whose necessities call for diversified crops and create a home demand for garden and agricultural products. Every new mine, furnace, and factory is an extension of the productive capacity of the State, more real and valuable than added territory.

Shall the prejudices and paralysis of slavery continue to hang upon the skirts of progress? How long will those who rejoice that slavery no longer exists cherish or tolerate the incapacities it put upon their communities? I look hopefully to the continuance of our protective system and to the consequent development of manufacturing and mining enterprises in the States hitherto wholly given to agriculture as a potent influence in the perfect unification of our people. The men who have invested their capital in these enterprises, the farmers who have felt the benefit of their neighborhood, and the men who work in shop or field, will not fail to find and to defend a community of interest.

Is it not quite possible that the farmers and the promoters of the great mining and manufacturing enterprises which have recently been established in the South may yet find that the free ballot of the workingman, without distinction of race, is needed for their defense as well as for his own? I do not doubt that if those men in the South who now accept the tariff views of Clay and the constitutional expositions of Webster would courageously avow and defend their real convictions, they would not find it difficult, by friendly instruction and co-operation, to make the black man their efficient and safe ally, not only in establishing correct principles in our national administration, but in preserving for their local communities the benefits of social order and economical and honest government. At least until the good offices of kindness and education have been fairly tried, the contrary conclusion cannot be plausibly urged.

I have altogether rejected the suggestion of a special Executive policy for any section of our country. It is the duty of the Executive to administer and enforce in the methods and by the instrumentalities pointed out and provided by the Constitution all the laws enacted by Congress. These laws are general, and their administration should be uniform and equal. As a citizen may not elect what laws he will obey, neither may the Executive elect which he will enforce. The duty to obey and to execute embraces the Constitution in its entirety and the whole code of laws enacted under it. The evil example of permitting individuals, corporations, or communities to nullify the laws because

they cross some selfish or local interest or prejudice is full of danger, not only to the nation at large, but much more to those who use this pernicious expedient to escape their just obligations or to obtain an unjust advantage over others. They will presently themselves be compelled to appeal to the law for protection, and those who would use the law as a defense must not deny that use of it to others.

If our great corporations would more scrupulously observe their legal limitations and duties, they would have less cause to complain of the unlawful limitations of their rights or of violent interference with their operations. The community that by concert, open or secret, among its citizens, denies to a portion of its members their plain rights under the law, has severed the only safe bond of social order and prosperity. The evil works from a bad centre both ways. It demoralizes those who practice it, and destroys the faith of those who suffer by it in the efficiency of the law as a safe protector. The man in whose breast that faith has been darkened is naturally the subject of dangerous and uncanny suggestions. Those who use unlawful methods, if moved by no higher motive than the selfishness that prompted them, may well stop and inquire what is to be the end of this.

An unlawful expedient cannot become a permanent condition of government. If the educated and influential classes in a community either practice or connive at the systematic violation of laws that seem to them to cross their convenience, what can they expect when the lesson that convenience or a supposed class interest is a sufficient cause for lawlessness has been well learned by the ignorant classes? A community where law is the rule of conduct and where courts, not mobs, execute its penalties, is the only attractive field for business investments and honest labor.

Our naturalization laws should be so amended as to make the inquiry into the character and good disposition of persons applying for citizenship more careful and searching. Our existing laws have been in their administration an unimpressive and often an unintelligible form. We accept the man as a citizen without any knowledge of his fitness, and he assumes the duties of citizenship without any knowledge as to what they are. The privileges of American citizenship are so great and its duties so grave that we may well insist upon a good knowledge of every person applying for citizenship and a good knowledge by him of

our institutions. We should not cease to be hospitable to immigration, but we should cease to be careless as to the character of it. There are men of all races, even the best, whose coming is necessarily a burden upon our public revenues or a threat to social order. These should be identified and excluded.

We have happily maintained a policy of avoiding all interference with European affairs. We have been only interested spectators of their contentions in diplomacy and in war, ready to use our friendly offices to promote peace, but never obtruding our advice and never attempting unfairly to coin the distresses of other powers into commercial advantage to ourselves. We have a just right to expect that our European policy will be the American policy of European courts.

It is so manifestly incompatible with those precautions for our peace and safety, which all the great powers habitually observe and enforce in matters affecting them, that a shorter waterway between our eastern and western seaboards should be dominated by any European government, that we may confidently expect that such a purpose will not be entertained by any friendly power.

We shall in the future, as in the past, use every endeavor to maintain and enlarge our friendly relations with all the great powers, but they will not expect us to look kindly upon any project that would leave us subject to the dangers of a hostile observation or environment. We have not sought to dominate or to absorb any of our weaker neighbors, but rather to aid and encourage them to establish free and stable governments resting upon the consent of their own people. We have a clear right to expect, therefore, that no European government will seek to establish colonial dependencies upon the territory of these independent American States. That which a sense of justice restrains us from seeking, they may be reasonably expected willingly to forego.

It must be assumed, however, that our interests are so exclusively American that our entire inattention to any events that may transpire elsewhere can be taken for granted. Our citizens, domiciled for purposes of trade in all countries and in many of the islands of the sea, demand, and will have our adequate care in their personal and commercial rights. The necessities of our navy require convenient coaling stations and dock and harbor privileges. These and other trading privileges we will feel free

to obtain only by means that do not in any degree partake of coercion, however feeble the government from which we ask such concessions. But having fairly obtained them by methods and for purposes entirely consistent with the most friendly disposition toward all other powers, our consent will be necessary to any modification or impairment of the concession.

We shall neither fail to respect the flag of any friendly nation, or the just rights of its citizens, nor to exact the like treatment for our own. Calmness, justice, and consideration should characterize our diplomacy. The offices of an intelligent diplomacy or of friendly arbitration in proper cases should be adequate to the peaceful adjustment of all international difficulties. By such methods we will make our contribution to the world's peace, which no nation values more highly, and avoid the opprobrium which must fall upon the nation that ruthlessly breaks it.

The duty devolved by law upon the President to nominate, and by and with the advice and consent of the Senate to appoint all public officers whose appointment is not otherwise provided for in the Constitution or by act of Congress, has become very burdensome, and its wise and efficient discharge full of difficulty. The civil list is so large that a personal knowledge of any large number of the applicants is impossible. The President must rely upon the representation of others, and these are often made inconsiderately and without any just sense of responsibility. I have a right, I think, to insist that those who volunteer or are invited to give advice as to appointments shall exercise consideration and fidelity. A high sense of duty and an ambition to improve the service should characterize all public officers.

There are many ways in which the convenience and comfort of those who have business with our public offices may be promoted by a thoughtful and obliging officer, and I shall expect those whom I may appoint to justify their selection by a conspicuous efficiency in the discharge of their duties. Honorable party service will certainly not be esteemed by me a disqualification for public office, but it will in no case be allowed to serve as a shield of official negligence, incompetency, or delinquency. It is entirely creditable to seek public office by proper methods and with proper motives, and all applicants will be treated with consideration; but I shall need, and the heads of departments will need, time for inquiry and deliberation. Persistent importunity will not, therefore, be the best support of an application for office.

Heads of departments, bureaus, and all other public officers having any duty connected therewith, will be expected to enforce the Civil Service law fully and without evasion. Beyond this obvious duty I hope to do something more to advance the reform of the Civil Service. The ideal, or even my own ideal, I shall probably not attain. Retrospect will be a safer basis of judgment than promises. We shall not, however, I am sure, be able to put our civil service upon a nonpartisan basis until we have secured an incumbency that fair-minded men of the opposition will approve for impartiality and integrity. As the number of such in the civil list is increased, removals from office will diminish.

While a Treasury surplus is not the greatest evil, it is a serious evil. Our revenue should be ample to meet the ordinary annual demands upon our Treasury, with a sufficient margin for those extraordinary, but scarcely less imperative, demands which arise now and then. Expenditure should always be made with economy, and only upon public necessity. Wastefulness, profligacy, or favoritism in public expenditure is criminal. But there is nothing in the condition of our country or of our people to suggest that anything presently necessary to the public prosperity, security, or honor, should be unduly postponed.

It will be the duty of Congress wisely to forecast and estimate these extraordinary demands, and, having added them to our ordinary expenditures, to so adjust our revenue laws that no considerable annual surplus will remain. We will fortunately be able to apply to the redemption of the public debt any small and unforeseen excess of revenue. This is better than to reduce our income below our necessary expenditures, with the resulting choice between another change of our revenue laws and an increase of the public debt. It is quite possible, I am sure, to effect the necessary reduction in our revenues without breaking down our protective tariff or seriously injuring any domestic industry.

The construction of a sufficient number of modern war ships and of their necessary armament should progress as rapidly as is consistent with care and perfection in plans and workmanship. The spirit, courage, and skill of our naval officers and seamen have many times in our history given to weak ships and inefficient guns a rating greatly beyond that of the naval list. That they will again do so upon occasion, I do not doubt; but they ought not, by premeditation or neglect, to be left to the risks

and exigencies of an unequal combat. We should encourage the establishment of American steamship lines. The exchanges of commerce demand stated, reliable, and rapid means of communication; and until these are provided, the development of our trade with the States lying south of us is impossible.

Our pension laws should give more adequate and discriminating relief to the Union soldiers and sailors and to their widows and orphans. Such occasions as this should remind us that we owe everything to their valor and sacrifice.

It is a subject of congratulation that there is a near prospect of the admission into the Union of the Dakotas and Montana and Washington Territories. This act of justice has been unreasonably delayed in the case of some of them. The people who have settled these Territories are intelligent, enterprising, and patriotic, and the accession of these new States will add strength to the nation. It is due to the settlers in the Territories who have availed themselves of the invitations of our land laws to make homes upon the public domain that their titles should be speedily adjusted and their honest entries confirmed by patent.

It is very gratifying to observe the general interest now being manifested in the reform of our election laws. Those who have been for years calling attention to the pressing necessity of throwing about the ballot box and about the elector further safeguards, in order that our elections might not only be free and pure, but might clearly appear to be so, will welcome the accession of any who did not so soon discover the need of reform. The National Congress has not as yet taken control of elections in that case over which the Constitution gives it jurisdiction, but has accepted and adopted the election laws of the several States, provided penalties for their violation and a method of supervision. Only the inefficiency of the State laws or an unfair partisan administration of them could suggest a departure from this policy.

It was clear, however, in the contemplation of the framers of the Constitution, that such an exigency might arise, and provision was wisely made for it. The freedom of the ballot is a condition of our national life, and no power vested in Congress or in the Executive to secure or perpetuate it should remain unused upon occasion. The people of all the congressional districts have an equal interest that the election in each shall truly express the views and wishes of a majority of the qualified electors

residing within it. The results of such elections are not local, and the insistence of electors residing in other districts that they shall be pure and free does not savor at all of impertinence.

If in any of the States the public security is thought to be threatened by ignorance among the electors, the obvious remedy is education. The sympathy and help of our people will not be withheld from any community struggling with special embarrassments or difficulties connected with the suffrage, if the remedies proposed proceed upon lawful lines and are promoted by just and honorable methods. How shall those who practice election frauds recover that respect for the sanctity of the ballot which is the first condition and obligation of good citizenship? The man who has come to regard the ballot box as a juggler's hat has renounced his allegiance.

Let us exalt patriotism and moderate our party contentions. Let those who would die for the flag on the field of battle give a better proof of their patriotism and a higher glory to their country by promoting fraternity and justice. A party success that is achieved by unfair methods or by practices that partake of revolution is hurtful and evanescent, even from a party standpoint. We should hold our differing opinions in mutual respect, and, having submitted them to the arbitrament of the ballot, should accept an adverse judgment with the same respect that we would have demanded of our opponents if the decision had been in our favor.

No other people have a government more worthy of their respect and love, or a land so magnificent in extent, so pleasant to look upon, and so full of generous suggestion to enterprise and labor. God has placed upon our head a diadem, and has laid at our feet power and wealth beyond definition or calculation. But we must not forget that we take these gifts upon the condition that justice and mercy shall hold the reins of power, and that the upward avenues of hope shall be free to all the people.

I do not mistrust the future. Dangers have been in frequent ambush along our path, but we have uncovered and vanquished them all. Passion has swept some of our communities, but only to give us a new demonstration that the great body of our people are stable, patriotic, and law-abiding. No political party can long pursue advantage at the expense of public honor or by rude and indecent methods, without protest and fatal disaffection in its own body. The peaceful agencies of commerce are more fully

revealing the necessary unity of all our communities, and the increasing intercourse of our people is promoting mutual respect. We shall find unalloyed pleasure in the revelation which our next census will make of the swift development of the great resources of some of the States. Each State will bring its generous contribution to the great aggregate of the nation's increase. And when the harvests from the fields, the cattle from the hills, and the ores of the earth shall have been weighed, counted, and valued, we will turn from them all to crown with the highest honor the State that has most promoted education, virtue, justice, and patriotism among its people.

THOMAS HARRISON

(1606–1660)

THOMAS HARRISON, Major-General under Cromwell, and signer of Charles the First's death warrant, was a typical Puritan, and his speech on the scaffold is entirely characteristic. "Where is your good old cause now?" asked one of the spectators, as he stepped upon the scaffold. "Here it is," replied Harrison, smiting himself upon the breast, "and I am going to seal it with my blood."

As was usual in cases of high treason, he was condemned to be first hanged, and then to be cut down alive, that he might be dismembered "while still quick." His biographers say that, after being thus subjected both to the rope and the knife, he revived, sat up, and struck the executioner of the King's justice "a heavy buffet." It is impossible to do more than suggest in modern English the horrible atrocity of his sentence, though it was one of the commonplaces of the then existing mode of enforcing royal authority — a method not wholly abolished as a form of law until, within recent memory, Sir Charles Dilke attacked it in the English Parliament.

The celebrated Richard Baxter writes of Harrison: "He was a man of excellent natural parts for affection and oratory, but not well seen in the principles of his religion. . . . And so far from humble in his thoughts of himself that it was his ruin." Baxter also records that at Langport when the Royalists began to run, he heard Harrison "with a loud voice break forth into the praises of God with fluent expression as if he had been in a rapture." The same fluency, the same rapture, appears in his speech on the scaffold.

He was born at Newcastle-under-Lyme in 1606,—the son of a butcher, as his detractors asserted, though others have attempted to give him a more aristocratic pedigree. He was well educated, it is said, and, before his enlistment against Charles I., was a law student in the Inns of Court. In 1646 he entered Parliament from Wendover, but he was a Cromwellian and no great believer in either parliaments or kings. In 1647 he denounced Charles as "a man of blood" who should no longer be temporized with, and several years later urged Cromwell to dissolve Parliament on the ground that it "had not a heart to do any more good for the Lord and his people." Whereupon Cromwell complained that Harrison was "an honest man" who aimed at good things but "would not wait the Lord's

leisure." Being a "Fifth Monarchy man," he came to be regarded as a disturber under Cromwell's protectorate, and he was twice arrested. After the restoration of Charles I., he refused to escape from the Kingdom or to give a pledge not to disturb the government. "Being so clear in the thing," he said, "I durst not turn my back, nor step a foot out of the way, by reason I had been engaged in the service of so glorious and so great a God." So he died, confident that he had done no act more pleasing to heaven than in helping to bring to judgment the first king who was ever formally put on his trial as a traitor to the people.

HIS SPEECH ON THE SCAFFOLD

(Delivered at His Execution, October 13th, 1660, at Charing Cross)

Gentlemen: —

I DID not expect to have spoken a word to you at this time; but seeing there is a silence commanded, I will speak something of the work God had in hand in our days. Many of you have been witnesses of the finger of God, that hath been seen amongst us of late years, in the deliverance of his people from their oppressors, and in bringing to judgment those that were guilty of the precious blood of the dear servants of the Lord. And how God did witness thereto by many wonderful and evident testimonies, as it were immediately from Heaven, insomuch that many of our enemies — who were persons of no mean quality — were forced to confess that God was with us; and if God did but stand neuter, they should not value us; and, therefore, seeing the finger of God hath been pleading this cause, I shall not need to speak much to it; in which work I, with others, was engaged; for the which I do from my soul bless the name of God, who out of the exceeding riches of his grace accounted me worthy to be instrumental in so glorious a work. And though I am wrongfully charged with murder and bloodshed, yet I must tell you I have kept a good conscience both towards God and towards man. I never had malice against any man, neither did I act maliciously towards any person, but as I judged them to be enemies to God and his people; and the Lord is my witness that I have done what I did out of the sincerity of my heart to the Lord. I bless God I have no guilt upon my conscience, but the spirit of God beareth witness that my actions are acceptable

to the Lord, through Jesus Christ; though I have been compassed about with manifold infirmities, failings, and imperfections in my holiest duties, but in this I have comfort and consolation, that I have peace with God, and do see all my sins washed away in the blood of my dear Savior. And I do declare as before the Lord, that I should not be guilty wittingly, nor willingly, of the blood of the meanest man,—no, not for ten thousand worlds, much less of the blood of such as I am charged with.

I have again and again besought the Lord with tears to make known his will and mind unto me concerning it, and to this day he hath rather confirmed me in the justice of it, and, therefore, I leave it to him, and to him I commit my ways; but some that were eminent in the work did wickedly turn aside themselves, and to set up their nests on high, which caused great dishonor to the name of God and the profession they had made. And the Lord knows I could have suffered more than this, rather than have fallen in with them in that iniquity, though I was offered what I would if I would have joined with them; my aim in all my proceedings was the glory of God, and the good of his people, and the welfare of the whole Commonwealth.

[The people observing him to tremble in his hands and legs, he taking notice of it, said: —]

Gentlemen, by reason of some scoffing that I do hear, I judge that some do think I am afraid to die, by the shaking I have in my hands and knees; I tell you no, but it is by reason of much blood I have lost in the wars, and many wounds I have received in my body, which caused this shaking and weakness in my nerves; I have had it this twelve years; I speak this to the praise and glory of God; he hath carried me above the fear of death; and I value not my life, because I go to my Father, and am assured I shall take it up again.

Gentlemen, take notice that for being instrumental in that cause and interest of the Son of God, which hath been pleaded amongst us, and which God hath witnessed to my appeals and wonderful victories, I am brought to this place, to suffer death this day; and if I had ten thousand lives, I could freely and cheerfully lay them down all, to witness to this matter.

Oh, what am I, poor worm, that I should be accounted worthy to suffer anything for the sake of my Lord and Savior Jesus Christ! I have gone joyfully and willingly, many a time, to

lay down my life upon the account of Christ, but never with so much joy and freedom as at this time; I do not lay down my life by constraint, but willingly, for if I had been minded to have run away, I might have had many opportunities; but being so clear in the thing, I durst not turn my back, nor step a foot out of the way, by reason I had been engaged in the service of so glorious and great a God. However men presume to call it by hard names, yet I believe, ere it be long, the Lord will make it known from heaven that there was more of God in it than men are now aware of.

[The sheriff reminding him of the shortness of time, if he had anything further to say to the people, he continued:—]

I do desire as from my own soul that they and every one may fear the Lord, that they may consider their latter end, and so it may be well with them; and even for the worst of those that have been most malicious against me, from my soul, I would forgive them all so far as anything concerns me; and so far as it concerns the cause and glory of God, I leave it for him to plead; and as for the cause of God, I am willing to justify it by my sufferings, according to the good pleasure of his will. I have been this morning, before I came hither, so hurried up and down stairs (the meaning whereof I knew not), that my spirits are almost spent; therefore, you may not expect much from me.

Oh, the greatness of the love of God to such a poor, vile, and nothing creature as I am! What am I, that Jesus Christ should shed his heart's blood for me, that I might be happy to all eternity, that I might be made a son of God, and an heir of heaven! Oh, that Christ should undergo so great sufferings and reproaches for me! And should not I be willing to lay down my life, and suffer reproaches for him that hath so loved me; blessed be the name of God that I have a life to lose upon so glorious and so honorable an account.

[Then praying to himself, with tears, and having ended, the hangman pulled down his cap; but he thrust it up again, saying:—]

I have one word more to the Lord's people that desire to serve him with an upright heart; let them not think hardly of any of the good ways of God for all this; for I have been near this seven years a suffering person, and have found the way of God to be a perfect way, his word a tried word, a buckler to

them that trust in him, and will make known his glorious arm in the sight of all nations. And though we may suffer hard things, yet he hath a gracious end, and will make a good end for his own glory, and the good of his people; therefore be cheerful in the Lord your God, hold fast that which you have and be not afraid of suffering, for God will make hard and bitter things sweet and easy to all that trust in him; keep close to the good confession you have made of Jesus Christ, and look to the recompense of reward; be not discouraged by reason of the cloud that now is upon you, for the sun will shine, and God will give a testimony unto what he hath been doing, in a short time.

And now I desire to commit my concernments into the hands of my Lord and Savior Jesus Christ, he that hath delivered himself for the chief of sinners; he that came into the world, was made flesh, and was crucified; that hath loved me and washed me from my sins in his own blood, and is risen again, sitting at the right hand of God, making intercession for me.

And as for me, Oh! who am I, poor, base, vile worm, that God should deal thus by me? For this will make me come the sooner into his glory, and to inherit the kingdom and that crown prepared for me. Oh, I have served a good Lord and Master, which hath helped me from my beginning to this day, and hath carried me through many difficulties, trials, straits, and temptations, and hath always been a very present help in time of trouble; he hath covered my head many times in the day of battle; by God I have leaped over a wall, by God I have run through a troop, and by my God I will go through this death, and he will make it easy to me. Now into thy hands, O Lord Jesus, I commit my spirit!

ROBERT GOODLOE HARPER

(1765–1825)

N 1804 Judge Samuel Chase, Associate Justice of the United States Supreme Court, was impeached by the House of Representatives, led by John Randolph, because of his conduct at the trial of Fries, Callender, and others, convicted of "seditious libel" during the Alien and Sedition agitation under the Adams administration. The impeachment was largely an experiment on the part of Randolph, to determine whether or not the legislative branch could thus hold the judicial in check. The entire proceeding was a failure.

Robert Goodloe Harper, who made his most noted speech in defense of Judge Chase, was born in Virginia in 1765. He was one of the leading lawyers and orators of his day. In 1794 he was elected to Congress from South Carolina. Removing to Baltimore, he was elected United States Senator for Maryland in 1815. He served one term in the Senate, and died a few years after his retirement, in his sixty-first year.

DEFENDING JUDGE CHASE

(From the Speech at the Impeachment Trial in 1805)

I see on these benches distinguished soldiers and eminent statesmen, who have triumphed alike in the fields of politics and war, and who always disdained to tarnish their laurels by the blood or humiliation of a vanquished foe.

If, then, the person now arraigned at your bar be connected with a political party in opposition to any of those who sit as his judges; if it were possible that, in promoting the views of that party, he may have excited feelings of anger or resentment in the mind of any member of this honorable tribunal; if it were possible that any portion of the angry passions engendered by the conflicts of party could find a place within these hallowed walls, and could attach itself to him who stands upon his trial at this bar, the existence of such a possibility would furnish every member of this honorable court with the strongest motives

that can operate on a generous and noble mind, for leaning constantly to the side of the accused, and for pronouncing in favor of an acquittal, wherever there remains a doubt of guilt.

Attempts have also been made to enlist the sympathy of this honorable court on the side of the prosecution, and for this purpose, a criminal twice convicted, who did not hesitate to risk civil bloodshed in support of political theories, and is now indebted for his life to the clemency of that Government against whose laws he armed his ignorant and misguided neighbors, is presented to view, decked out in all the ornaments which rhetoric can bestow. We, Mr. President, disclaim the aids, and protest against the interference of rhetoric and sympathy. However proper in other situations, they ought to be excluded from courts of justice, whose decisions should be governed by truth and not by feeling.

But if sympathy could find a place in this tribunal, what object more fit to awake it than that now presented at your bar? An aged patriot and statesman, bearing on his head the frost of seventy winters, and broken by the infirmities brought upon him by the labors and exertions of half a century, is arraigned as an offender, and compelled to employ, in defending himself against a criminal prosecution, the few and short intervals of ease allowed to him by sickness. Placed at the bar of a court, after having sat with honor for sixteen years on the bench, he is doomed to hear the most opprobrious epithets applied to his name by those whose predecessors were accustomed to look up to him with admiration and respect, and whose fathers would have been proud to have been numbered among his pupils. His footsteps are hunted from place to place, to find indiscretions which may be exaggerated into crimes. The jests which, flowing from the gayety and openness of his temper, were uttered in the confidence of private conversation; the expressions of warmth produced by the natural impetuosity of his character, are detailed by companions converted into spies and informers, and are adduced as proofs of criminal intention.

This cup, so full of bitterness for one who has been accustomed for forty years to fill the most honorable stations in his country, he drinks to the dregs, without complaining. In this sad reverse he supports himself with a calmness, a fortitude, and a resigned dignity which melt the hearts of those who are not his enemies, and extort the respect of those who are.

If sympathy must be excited, here let it find a nobler object. If from generous breasts it cannot be excluded, let it be turned towards

"A brave man struggling with the storms of Fate,"

and greatly supporting himself under a pressure of evils the most afflicting that an elevated mind can know.

Not content with endeavoring to blow up a flame of party spirit against the respondent, and to engage sympathy in the ungracious and unnatural task of aiding a criminal prosecution, the honorable Managers have resorted to a principle as novel in our laws and jurisprudence as it is subversive of the constitutional independence of the judicial department, and dangerous to the personal rights and safety of every man holding an office under this Government. They have contended "that an impeachment is not a criminal prosecution, but an inquiry in the nature of an inquest of office, to ascertain whether a person holding an office be properly qualified for his situation; or whether it may not be expedient to remove him." But if this principle be correct,—if an impeachment be not, indeed, a criminal prosecution, but a mere inquest of office,—if a conviction and removal on impeachment be indeed not a punishment, but the mere withdrawal of a favor of office granted, I ask why this formality of proceeding, this solemn apparatus of justice, this laborious investigation of facts? If the conviction of a judge on impeachment is not to depend on his guilt or innocence of some crime alleged against him, but on some reason of State policy or expediency, which may be thought by the House of Representatives, and two-thirds of the Senate, to require his removal, I ask why the solemn mockery of articles alleging high crimes and misdemeanors, of a court regularly formed, of a judicial oath administered to the members, of the public examination of witnesses, and of a trial conducted in all the usual forms? Why not settle this question of expediency, as all other questions of expediency are settled, by a reference to general political considerations, and in the usual mode of political discussion? No, Mr. President! This principle of the honorable Managers, so novel and so alarming; this desperate expedient, resorted to as the last and only prop of a case, which the honorable gentlemen feel to be unsupported by law or evidence; this forlorn hope of the prosecution pressed into its service after it was found that no offense against any law of the

land could be proved, will not, cannot avail. Everything by which we are surrounded informs us that we are in a court of law. Everything that we have been three weeks employed in doing reminds us that we are engaged, not in a mere inquiry into the fitness of an officer for the place which he holds, but in the trial of a criminal case on legal principles. And this great truth, so important to the liberties and happiness of this country, is fully established by the decisions of this honorable Court, in this case, on questions of evidence — decisions by which this Court has solemnly declared that it holds itself bound by those principles of law which govern our tribunals in ordinary cases. These decisions we accepted as a pledge, and now rely on as an assurance that this cause will be determined on no newly-discovered notions of political expediency, or State policy, but on the well-settled and well-known principles of law and the Constitution.

Having taken this view of these preliminary points, I now proceed, Mr. President, to consider the various charges against our honorable client, in the order in which they have been stated by the prosecutors. It is not my design to go over the same ground which has been so recently trodden by my able colleagues. The task assigned to me is to range rapidly over the first six articles; to present some views of the subject which the multiplicity of the matter induced my learned colleagues to omit; and then to discuss at large the law and the facts, under the seventh and eighth articles, which have not yet been touched.

Let the charge, Mr. President, be carefully examined, and it will be found to have no object in view but to convince the people of Maryland, by arguments drawn from reason and experience, of the danger of adopting a change in their State constitution, which had been submitted to their consideration, and the object of which was to abolish all their supreme courts of law; to introduce a system entirely new and untried; and, above all, to destroy the independent tenure of judicial office, secured to them by their existing constitution; and to leave the judges dependent on the Executive for their continuance in office, and on the Legislature for their support. The respondent, who had contributed largely to the formation and establishment of the State constitution, was greatly alarmed at these changes. He considered them as of the most destructive tendency to the liberty and happiness of the State to which he belonged, and he

resolved to take this opportunity of warning his fellow-citizens against them. This is the whole scope of his address to the grand jury, to show the importance of an independent judiciary, the dangerous tendency of changes already made, and the mischiefs which would result from taking this additional step in the career of innovation. He did, indeed, advert to the act of Congress for repealing the circuit court law, and remarked that it had shaken to its foundation the independence of the Federal judiciary; but the manifest and sole object of this was to show that the spirit of innovation had gone forth and ought to be carefully watched; that the public respect for great constitutional principles had begun to be weakened, and that by how much the security which might have been derived from an independent Federal judiciary had been diminished, by so much the more vigilantly it behooved us to guard our State institutions. No other object can be discovered in the charge, or inferred from its general tenor, or from the language in which it is expressed; neither is there any evidence which has the most remote tendency to show that he had any other object in view. And was not this an object which a citizen of this country might lawfully pursue? Is it not lawful for an aged patriot of the Revolution to warn his fellow-citizens of dangers, by which he supposes their liberties and happiness to be threatened? Or will it be contended that a citizen is deprived of these rights because he is a judge? That his office takes from him the liberty of speech which belongs to every citizen, and is justly considered as one of our most invaluable privileges? I trust not. And if there could be any doubt on this point, I would remove it by referring to a recent instance of two judges of the supreme court of Maryland, who, in a late political contest, entered the lists as champions for the rival candidates, and traveled over a whole county, making political speeches in opposition to each other. Yet these gentlemen justly possess the confidence and respect of the public; their conduct in this instance has never been considered as a violation of duty; and he who espoused the interest of the successful candidate has been far from receiving any marks of displeasure from the Government of this country.

If, therefore, a judge retain this right, notwithstanding his official character; if it still be lawful for him to express his opinions of public measures, to oppose by argument such as are still pending, and to exert himself for obtaining the repeal, by

constitutional means, of such as have been adopted, I ask what law forbids him to exercise these rights by a charge from the bench? In what part of our laws or Constitution is it written that a judge shall not speak on politics to a grand jury? — shall not advance, in a charge from the bench, those arguments against a public measure which it must be admitted he might properly employ on any other occasion? Such conduct may perhaps be ill-judged, indiscreet, or ill-timed. I am ready to admit that it is so; for I am one of those who have always thought that political subjects ought never to be mentioned in courts of justice. But is it contrary to law? Admitting it to be indecorous and improper, which I do not admit, is every breach of decorum and propriety a crime? The rules of decorum and propriety forbid us to sing a song on the floor of Congress, or to whistle in a church. These would be acts of very great indecorum, but I know of no law by which they could be punished as crimes. Will they who contend that it is contrary to law for a judge to speak of politics to a grand jury be pleased to point out the law of the land which forbids it? They cannot do so. There is no such law. Neither is there any constitutional provision or principle, or any custom of this country, which condemns this practice.

And will this honorable body, sitting not in a legislative, but a judicial capacity, be called on to make a law, and to make it for a particular case which has already occurred? What, sir, is the great distinction between legislative and judicial functions? Is it not that the former is to make the law for future cases; and that the latter is to declare it as to cases which have already occurred? Is it not one of the fundamental principles of our Constitution, and an essential ingredient of free government, that the legislative and judicial powers shall be kept distinct and separate? That the power of making the general law for future cases shall never be blended in the same hands with that of declaring and applying it to particular and present cases? Does not the union of these two powers in the same hands constitute the worst of despotisms? What, sir, is the peculiar and distinguishing characteristic of despotism? It consists in this, sir, that a man may be punished for an act which, when he did it, was not forbidden by law; while, on the other hand, it is the essence of freedom, that no act can be treated as a crime, unless there be a precise law forbidding it at the time when it was done.

It is this line which separates liberty from slavery, and if the respondent be condemned to punishment for an act, which, far from being forbidden by any law of the land, is sanctioned by the custom of this country for more than twenty years past, then we have the form of free government, but the substance of despotism.

Let the gentlemen, before they establish this principle, recollect that it is a two-edged sword. Let them remember that power must often change hands in popular governments; and that after every struggle the victorious party comes into power, with resentments to gratify by the destruction of its vanquished opponents, with a thirst of vengeance to be slaked in their blood. Let them remember that principles and precedents, by which actions, innocent when they were done, may be converted into crimes, are the most convenient and effectual instruments of revenge and destruction with which a victorious party can be furnished. Let them beware how they give their sanction to principles which may soon be turned against themselves; how they forge bolts which may soon be hurled on their own heads. In a popular government, where power is so fluctuating, where constitutional principles are, therefore, so important for the protection of the weaker party against the violence of the stronger, it, above all things, behooves the party actually in power to adhere to the principles of justice and law, lest by departing from them they furnish at once the provocation and the weapons for their own destruction.

This charge, therefore, fails like the rest; and what remains of the accusation? It has dwindled into nothing. It has been scattered by the rays of truth, like the mists of the morning before the effulgence of the rising sun. Touched by the spear of investigation, it has lost its gigantic and terrifying form, and has shrunk into a toad. Every part of our honorable client's conduct has been surveyed; all his motives have been severely scrutinized; all his actions have been brought to the test of law and the Constitution; his words and even his jocular conversations have been passed in strict review; and the ingenuity and industry of the honorable managers have proved unable to detect one illegal act, one proof, or one fair presumption of improper motive.

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